



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-FIFTH GENERAL ASSEMBLY**

**167TH LEGISLATIVE DAY**

**THURSDAY, JULY 10, 2008**

**10:55 O'CLOCK A.M.**

**SENATE**  
**Daily Journal Index**  
**167th Legislative Day**

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The Senate met pursuant to adjournment.  
Honorable Emil Jones, Jr., President of the Senate, presiding.

The Journal of Friday, May 30, 2008, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Saturday, May 31, 2008, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

**MESSAGES FROM THE PRESIDENT**

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

July 9, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
Room 403, State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 2-10, please be advised that on Thursday, July 10, 2008, the Senate will convene in Regular Session at 10:05 a.m.

Very truly yours,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

July 10, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Susan Garrett to resume her position on the Senate Appropriations I Committee. This appointment is effective immediately.

Sincerely,

[July 10, 2008]

s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

July 10, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Susan Garrett to resume her position on the Senate Public Health Committee. This appointment is effective immediately.

Sincerely,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

July 10, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Susan Garrett to resume her position on the Senate Education Committee. This appointment is effective immediately.

Sincerely,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

[July 10, 2008]

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

July 10, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Susan Garrett to resume her position on the Senate State Government & Veterans Affairs Committee. This appointment is effective immediately.

Sincerely,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

July 10, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator William Haine to resume his position on the Senate Judiciary-Civil Law Committee. This appointment is effective immediately.

Sincerely,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

July 10, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

[July 10, 2008]

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator William Haine to resume his position on the Senate Judiciary-Criminal Law Committee. This appointment is effective immediately.

Sincerely,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

July 10, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator William Haine to resume his position on the Senate Licensed Activities Committee. This appointment is effective immediately.

Sincerely,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

July 10, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Michael Bond to resume his position on the Senate State Government & Veterans Affairs Committee. This appointment is effective immediately.

Sincerely,  
s/Emil Jones, Jr.  
Senate President

[July 10, 2008]

cc: Senate Minority Leader Frank Watson

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

July 10, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Michael Bond to resume his position on the Senate State Pensions & Investments Committee. This appointment is effective immediately.

Sincerely,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

July 10, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Michael Bond to resume his position on the Senate State Appropriations II Committee. This appointment is effective immediately.

Sincerely,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

[July 10, 2008]

July 10, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator James DeLeo to replace Senator Rickey Hendon as Chair and member of the Rules Committee. This appointment is effective immediately.

Very truly yours,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

July 10, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Iris Martinez to replace Senator Louis Viverito as a member of the Rules Committee. This appointment is effective immediately.

Very truly yours,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

July 10, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

[July 10, 2008]



Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator William Delgado to replace Senator John Cullerton as a member of the Senate Judiciary-Criminal Law Committee. This appointment is effective immediately.

Very truly yours,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

July 10, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator James Clayborne to replace Senator William Haine as a member of the Senate Judiciary-Criminal Law Committee. This appointment is effective immediately.

Very truly yours,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

July 10, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Mattie Hunter to replace Senator Ira Silverstein as a member of the Senate Judiciary-Criminal Law Committee. This appointment is effective immediately.

Very truly yours,

[July 10, 2008]

s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

July 10, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Terry Link to replace Senator Louis Viverito as a member of the Senate Executive Committee. This appointment is effective immediately.

Very truly yours,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

July 10, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Donne Trotter to replace Senator Rickey Hendon as a member of the Senate Executive Committee. This appointment is effective immediately.

Very truly yours,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

**OFFICE OF THE SENATE PRESIDENT**

[July 10, 2008]

**STATE OF ILLINOIS**

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

July 10, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Kwame Raoul to replace Senator Ira Silverstein as a member of the Senate Executive Committee. This appointment is effective immediately.

Very truly yours,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

July 10, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Edward Maloney to replace Senator Michael Bond as a member of the Senate State Government & Veterans Affairs Committee. This appointment is effective immediately.

Very truly yours,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

July 10, 2008

[July 10, 2008]

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Kimberly Lightford to replace Senator James Meeks as a member of the Senate State Government & Veterans Affairs Committee. This appointment is effective immediately.

Very truly yours,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

July 10, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Don Harmon to replace Senator Dan Kotowski as a member of the Senate State Government & Veterans Affairs Committee. This appointment is effective immediately.

Very truly yours,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

**REPORTS RECEIVED**

The Secretary placed before the Senate the following reports:

Joint Task Force on Deaf and Hard of Hearing Education Options, Early Intervention Report, December 2007, submitted by the Deaf and Hard of Hearing Commission.

Public Safety Shared Services Center Report on consolidation and reorganization activities as of May 31, 2008, submitted by the Public Safety Shared Services Center.

DOC Quarterly Report to the Legislature, April 1, 2008, submitted by the Department of Corrections.

Administrative & Regulatory Shared Services Center Report on consolidation and reorganization activities as of May 31, 2008, submitted by the Administrative & Regulatory Shared Services Center.

[July 10, 2008]

DOR Report on assisting state agencies in collecting debt owed the State of Illinois, submitted by the Department of Revenue.

DHFS FY 2007 Medical Expenditures for Services Provided in Prior Fiscal Years, submitted by the Department of Healthcare and Family Services.

DHFS FY 2007 Medical Expenditures for Services which Claims were Received in Prior Fiscal Years, submitted by the Department of Healthcare and Family Services.

DHFS Explanation of Variance Between the Previous Year's Estimate and Actual Liabilities and Factors Affecting the Department's Liabilities, submitted by the Department of Healthcare and Family Services.

DHFS Results of the Department's Efforts to Combat Fraud and Abuse, submitted by the Department of Healthcare and Family Services.

Report on Illinois' Smoking Cessation Initiative, May 2008, submitted by the Department of Healthcare and Family Services.

Distracted Drivers Task Force Final Report, submitted by the Secretary of State.

DVA Report pursuant to the FY 2008 Budget Implementation Act, submitted by the Department of Veterans' Affairs.

State Use Program Annual Report FY 2007, submitted by the Department of Central Management Services.

Business Enterprise Program Fiscal Year 2007 Annual Report, submitted by the Department of Central Management Services.

Quarterly Report for period ending June 30, 2008, pursuant to Section 25-85 of the State Officials and Employees Ethic Act, submitted by the Office of the Legislative Inspector General.

2007 EDGE Tax Credit Program Annual Report, submitted by the Department of Commerce and Economic Opportunity.

Declaration of Exemption pursuant to the Mercury-Free Vaccine Act, submitted by the Department of Public Health.

Early Childhood Prevention Initiative Program Evaluation Report, submitted by the Illinois State Board of Education.

Comprehensive Strategic Plan for Elementary and Secondary Education Progress Report, June 2008, submitted by the Illinois State Board of Education.

Illinois Early Learning Council Annual Report, Fiscal Year 2008, submitted by the Illinois Early Learning Council.

Illinois Salary and Staffing Survey of Licensed Child Care Facilities, FY 2007, submitted by the Department of Human Services.

Illinois Regenerative Medicine Institute Annual Report 2007, submitted by the Department of Public Health.

Executive Order No. 2 (2005) Annual Report to the General Assembly, submitted by the Department of Healthcare and Family Services.

Access to Benefits and Services Report pursuant to SR 218 and HR 462, May 2008, submitted by the Department of Human Services and the Department of Healthcare and Family Services.

2007 Chicago/Gary Regional Airport Authority Annual Report, submitted by the Chicago/Gary Regional Airport Authority.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

#### **PRESENTATION OF RESOLUTIONS**

##### **SENATE RESOLUTION NO. 744**

Offered by Senator Forby and all Senators:  
Mourns the death of Randy Whittington of Sesser.

##### **SENATE RESOLUTION NO. 745**

Offered by Senator Haine and all Senators:  
Mourns the death of Charles Raich, Jr., of Roxana.

##### **SENATE RESOLUTION NO. 746**

Offered by Senator Haine and all Senators:  
Mourns the death of Harry J. Orrill of Godfrey.

##### **SENATE RESOLUTION NO. 747**

Offered by Senator Meeks and all Senators:  
Mourns the death of Erika Prince of Chicago.

##### **SENATE RESOLUTION NO. 748**

Offered by Senator Dillard and all Senators:  
Mourns the death of Roger Place of Woodridge.

##### **SENATE RESOLUTION NO. 749**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Edward John Kane III.

##### **SENATE RESOLUTION NO. 750**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Robert E. Lee of Batavia.

##### **SENATE RESOLUTION NO. 751**

Offered by Senator Haine and all Senators:  
Mourns the death of Mary K McClockey of Alton.

##### **SENATE RESOLUTION NO. 752**

Offered by Senator Haine and all Senators:  
Mourns the death of Hugh O. Worthen of Alton.

##### **SENATE RESOLUTION NO. 753**

Offered by Senator Hultgren and all Senators:  
Mourns the death of John R. Murr of Naperville.

##### **SENATE RESOLUTION NO. 754**

Offered by Senator Watson and all Senators:  
Mourns the death of William Thomas Eichenauer of Decatur.

##### **SENATE RESOLUTION NO. 755**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Kevin John Bryant.

**SENATE RESOLUTION NO. 756**

Offered by Senator Watson and all Senators:  
Mourns the death of Dr. William Henry Requarth of Decatur.

**SENATE RESOLUTION NO. 757**

Offered by Senator Link and all Senators:  
Mourns the death of Helen C. Zdanowicz (nee Wasniewski) of Brandon, Florida, formerly of North Chicago.

**SENATE RESOLUTION NO. 758**

Offered by Senator Koehler and all Senators:  
Mourns the death of Roy Modglin, Jr., of Mapleton, formerly of Peoria.

**SENATE RESOLUTION NO. 759**

Offered by Senator Hunter and all Senators:  
Mourns the death of Mercedes Laing.

**SENATE RESOLUTION NO. 760**

Offered by Senator Haine and all Senators:  
Mourns the death of Josephine Meisenheimer of Bethalto.

**SENATE RESOLUTION NO. 761**

Offered by Senator E. Jones and all Senators:  
Mourns the death of Walter A. Netsch, Jr., of Chicago.

**SENATE RESOLUTION NO. 762**

Offered by Senator Koehler and all Senators:  
Mourns the death of George W. Lacey, Sr., of Peoria.

**SENATE RESOLUTION NO. 763**

Offered by Senator Murphy and all Senators:  
Mourns the death of Edwina Froehlich of Inverness.

**SENATE RESOLUTION NO. 764**

Offered by Senator Hultgren and all Senators:  
Mourns the death of Raymond C. Whitlock III, of Wheaton.

**SENATE RESOLUTION NO. 765**

Offered by Senator Hultgren and all Senators:  
Mourns the death of James Johannville of Naperville.

**SENATE RESOLUTION NO. 766**

Offered by Senator Noland and all Senators:  
Mourns the death of Doris Judith Steffen.

**SENATE RESOLUTION NO. 767**

Offered by Senator Hunter and all Senators:  
Mourns the death of Sandra Blount.

**SENATE RESOLUTION NO. 768**

Offered by Senator E. Jones and all Senators:  
Mourns the death of Ruth Paink.

**SENATE RESOLUTION NO. 769**

Offered by Senator Haine and all Senators:  
Mourns the death of Albert Woods of Alton.

**SENATE RESOLUTION NO. 770**

Offered by Senator Haine and all Senators:

Mourns the death of Lewis G. “Louie” Badalamenti of Edwardsville.

**SENATE RESOLUTION NO. 771**

Offered by Senator Dillard and all Senators:  
Mourns the death of Dr. Vladimir J. “Wally” Suchy of Hinsdale.

**SENATE RESOLUTION NO. 772**

Offered by Senator Peterson and all Senators:  
Mourns the death of Harold J. Carlson.

**SENATE RESOLUTION NO. 773**

Offered by Senator Peterson and all Senators:  
Mourns the death of Robert “Allen” Meyer of Buffalo Grove.

**SENATE RESOLUTION NO. 774**

Offered by Senator Cullerton and all Senators:  
Mourns the death of Budd Birnbaum of Wilmette.

**SENATE RESOLUTION NO. 775**

Offered by Senators E. Jones – Collins and all Senators:  
Mourns the death of Louis J. Pfleger of Chicago.

**SENATE RESOLUTION NO. 776**

Offered by Senator Radogno and all Senators:  
Mourns the death of Michael R. Springer of Lisle.

**SENATE RESOLUTION NO. 777**

Offered by Senator Althoff and all Senators:  
Mourns the death of Edward Alexander Todd of McHenry.

**SENATE RESOLUTION NO. 778**

Offered by Senator Althoff and all Senators:  
Mourns the death of Carl J. Tomaso of Woodstock.

**SENATE RESOLUTION NO. 779**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Dr. Robert Wouters Leyen of Gig Harbor, Washington.

**SENATE RESOLUTION NO. 780**

Offered by Senator Watson and all Senators:  
Mourns the death of Thomas B. Brinkoetter of Decatur.

**SENATE RESOLUTION NO. 781**

Offered by Senator Dillard and all Senators:  
Mourns the death of Timothy Joseph Wehrli of Naperville.

**SENATE RESOLUTION NO. 782**

Offered by Senator Koehler and all Senators:  
Mourns the death of Nathaniel Cover, Sr., of Peoria.

**SENATE RESOLUTION NO. 783**

Offered by Senator Koehler and all Senators:  
Mourns the death of Virginia May Gambill of Peoria.

**SENATE RESOLUTION NO. 784**

Offered by Senator Hultgren and all Senators:  
Mourns the death of James C. “Jim” Lukacek of Naperville.

**SENATE RESOLUTION NO. 785**



Offered by Senator E. Jones and all Senators:  
Mourns the death of Roy Osbourne Carroll, Jr., of Morgan Park.

**SENATE RESOLUTION NO. 786**

Offered by Senator Harmon and all Senators:  
Mourns the death of Charles M. Kielma, Jr., of Lockport, formerly of Cicero and Berwyn.

**SENATE RESOLUTION NO. 787**

Offered by Senator Wilhelmi and all Senators:  
Mourns the death of Owen Robert "Big O" "Owie" Bleuer.

**SENATE RESOLUTION NO. 788**

Offered by Senator Wilhelmi and all Senators:  
Mourns the death of Georgiann Goodson.

**SENATE RESOLUTION NO. 789**

Offered by Senator Wilhelmi and all Senators:  
Mourns the death of Delia "Dede" Neal (nee Cacia) of Morris.

**SENATE RESOLUTION NO. 790**

Offered by Senator Wilhelmi and all Senators:  
Mourns the death of Evelyn Roberts of Joliet.

**SENATE RESOLUTION NO. 791**

Offered by Senator Wilhelmi and all Senators:  
Mourns the death of JoAnn F. Soave of Crest Hill.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

Senator Hultgren offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

**SENATE JOINT RESOLUTION NO. 106**

WHEREAS, An intact, involved two-parent home provides the optimal environment through which children grow into productive and responsible adults; and

WHEREAS, Parents are the primary "polestar" with respect to raising their children; and

WHEREAS, Our society, State and statutes should serve as secondary structures designed to support, not supplant, both parents in their role as the primary nurturers of children; and

WHEREAS, Both mothers and fathers provide unique and invaluable contributions towards the development of their children; and

WHEREAS, Each parent's contributions to the upbringing of their children are equally necessary to assure children the best opportunity to develop into healthy citizens; and

WHEREAS, An intact two-parent home is not always available to children; and

WHEREAS, Children of separated or divorced parents will benefit from frequent and continuing involvement with both parents, unless it is shown that such involvement will cause substantial or imminent harm to those children; and

WHEREAS, The role of the State in such situations should be to encourage maximum parental involvement with children; and

[July 10, 2008]

WHEREAS, Any legal determination regarding custody, visitation or parenting time, should demonstrate consistent application of a presumption in favor of fit parents, including parental rights and parental autonomy, and maximum parental involvement so as to nurture children fully under the confines of the family; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we discourage policies that result in children being unduly influenced, alienated or disenfranchised from their parents; and be it further

RESOLVED, That the State's role in the relationship of children with their parents should be minimal unless a parent may be unfit or pose a substantial harm to them; and be it further

RESOLVED, That in accordance with these findings, the Illinois General Assembly declares that our public policy is furthered by recognizing both parents' fundamental liberty interest in the care, custody and companionship of their children.

### MESSAGES FROM THE HOUSE

A message from the House by  
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:  
SENATE BILL NO. 2301

A bill for AN ACT concerning revenue.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2301

House Amendment No. 2 to SENATE BILL NO. 2301

Passed the House, as amended, May 31, 2008.

MARK MAHONEY, Clerk of the House

#### AMENDMENT NO. 1 TO SENATE BILL 2301

AMENDMENT NO. 1. Amend Senate Bill 2301 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Income Tax Act is amended by changing Section 101 as follows:

(35 ILCS 5/101) (from Ch. 120, par. 1-101)

Sec. 101. Short Title. This Act shall be known ~~and~~ and may be cited as the "Illinois Income Tax Act." (Source: P.A. 76-261.)".

#### AMENDMENT NO. 2 TO SENATE BILL 2301

AMENDMENT NO. 2. Amend Senate Bill 2301 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Intermodal Facilities Promotion Act.

Section 5. Purpose. The General Assembly has determined that it is in the interest of the State of Illinois to promote development that will protect, promote, and improve freight rail systems and their intermodal connections in Illinois and encourage the efficient development of those facilities.

Section 10. Definitions. As used in this Act:

"Agreement" means the agreement between an eligible employer and the Department under the provisions of Section 30 of this Act.

"Department" means the Department of Commerce and Economic Opportunity.

"Director" means the Director of Commerce and Economic Opportunity.

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"Eligible developer" means an individual, partnership, corporation, or other entity that develops an intermodal terminal facility in the City of Joliet.

"Eligible employer" means an individual, partnership, corporation, or other entity that employs full-time employees at an intermodal terminal facility in the City of Joliet.

"Full-time employee" means an individual who is employed for consideration for at least 35 hours each week or who renders any other standard of service generally accepted by industry custom or practice as full-time employment. An individual for whom a W-2 is issued by a Professional Employer Organization (PEO) is a full-time employee if employed in the service of the eligible employer for consideration for at least 35 hours each week or who renders any other standard of service generally accepted by industry custom or practice as full-time employment.

"Incremental income tax" means the total amount withheld from the compensation of new employees under Article 7 of the Illinois Income Tax Act arising from employment by an eligible employer.

"Infrastructure" means roads, access roads, streets, bridges, sidewalks, water and sewer line extensions, water distribution and purification facilities, waste disposal systems, sewage treatment facilities, stormwater drainage and retention facilities, gas and electric utility line extensions, or other improvements that are essential to the development of the project that is the subject of an agreement.

"Intermodal terminal facility" means a cohesively planned project consisting of at least 2,000 acres of land, improvements to that land, equipment, and appliances necessary for the receipt and transfer of goods between one mode of transportation and another and for the assembly and storage of those goods.

"New employee" means a full-time employee first employed by an eligible employer in the project that is the subject of an agreement between the Department and an eligible developer and who is hired after the eligible developer enters into the agreement, but does not include:

- (1) an employee of the eligible employer who performs a job that (i) existed for at least 6 months before the employee was hired and (ii) was previously performed by another employee;
  - (2) an employee of the eligible employer who was previously employed in Illinois by a related member of the eligible employer and whose employment was shifted to the eligible employer after the eligible employer entered into the Agreement; or
  - (3) a child, grandchild, parent, or spouse, other than a spouse who is legally separated from the individual, of any individual who has a direct or an indirect ownership interest of at least 5% in the profits, capital, or value of the eligible employer.
- Notwithstanding item (2) of this definition, an employee may be considered a new employee under the agreement if the employee performs a job that was previously performed by an employee who was:

- (A) treated under the Agreement as a new employee; and
- (B) promoted by the eligible employer to another job.

"Professional Employer Organization" (PEO) means an employee leasing company, as defined in Section 206.1(A)(2) of the Illinois Unemployment Insurance Act.

"Related member" means a person or entity that, with respect to the eligible employer during any portion of the taxable year, is any one of the following:

- (1) an individual stockholder, if the stockholder and the members of the stockholder's family (as defined in Section 318 of the Internal Revenue Code) own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the value of the eligible employer's outstanding stock;
- (2) a partnership, estate, or trust and any partner or beneficiary, if the partnership, estate, or trust, and its partners or beneficiaries own directly, indirectly, or beneficially, or constructively, in the aggregate, at least 50% of the profits, capital, stock, or value of the eligible employer;
- (3) a corporation, and any party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of Section 318 of the Internal Revenue Code, if the taxpayer owns directly, indirectly, beneficially, or constructively at least 50% of the value of the corporation's outstanding stock;
- (4) a corporation and any party related to that corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of Section 318 of the Internal Revenue Code, if the corporation and all such related parties own in the aggregate at least 50% of the profits, capital, stock, or value of the eligible employer; or
- (5) a person to or from whom there is attribution of stock ownership in accordance with Section 1563(e) of the Internal Revenue Code, except, for purposes of determining whether a person

is a related member under this definition, 20% shall be substituted for 5% wherever 5% appears in Section 1563(e) of the Internal Revenue Code.

Section 15. Intermodal Facilities Promotion Fund. The Intermodal Facilities Promotion Fund is created as a special fund in the State treasury. As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Intermodal Facilities Promotion Fund an amount equal to the incremental income tax for the previous month attributable to a project that is the subject of an agreement.

Section 20. Grants from the Intermodal Facilities Promotion Fund. In State fiscal years 2009 through 2015, all moneys in the Intermodal Facilities Promotion Fund, held solely for the benefit of eligible developers, shall be appropriated to the Department to make infrastructure grants to eligible developers pursuant to agreements.

Section 25. Limitation on grant amounts. The total amount of a grant to an eligible developer shall not exceed the lesser of:

- (1) \$3,000,000 in each State fiscal year; or
- (2) the total amount of infrastructure costs incurred by the eligible developer with respect to a project that is the subject of an agreement.

No eligible developer shall receive moneys that are attributable to a project that is not the subject of the developer's agreement with the Department.

Section 30. Agreements with applicants. The Department shall enter into an agreement with an eligible developer who is entitled to grants under this Act. The agreement must include all of the following:

- (1) A detailed description of the project that is the subject of the agreement, including the location of the project, the number of jobs created by the project, and project costs. For purposes of this subsection, "project costs" includes the cost of the project incurred or to be incurred by the eligible developer, including infrastructure costs, but excludes the value of State or local incentives, including tax increment financing and deductions, credits, or exemptions afforded to an employer located in an enterprise zone.
- (2) A requirement that the eligible developer shall maintain operations at the project location, stated as a minimum number of years not to exceed 10 years.
- (3) A specific method for determining the number of new employees attributable to the project.
- (4) A requirement that the eligible developer shall report monthly to the Department and the Department of Revenue the number of new employees and the incremental income tax withheld in connection with the new employees.
- (5) A requirement that the Department is authorized to verify with the Department of Revenue the amounts reported under paragraph (4).

Section 35. Rulemaking. Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this Act. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this Act, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this Act shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this paragraph, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.

Section 90. The State Finance Act is amended by adding Section 5.709 as follows:

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(30 ILCS 105/5.709 new)  
Sec. 5.709. Intermodal Facilities Promotion Fund.

Section 99. Effective date. This Act takes effect upon becoming law."

Under the rules, the foregoing **Senate Bill No. 2301**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2520

A bill for AN ACT in relation to public employee benefits.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2520

House Amendment No. 3 to SENATE BILL NO. 2520

House Amendment No. 4 to SENATE BILL NO. 2520

Passed the House, as amended, May 31, 2008.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 2520**

AMENDMENT NO. 1. Amend Senate Bill 2520 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 3-110.8, 4-109.3, 5-168, 5-178, 7-139.11, 8-163, 9-156, 9-158, 9-159, 10-103, 11-158, 14-110, by renumbering and changing Section 3-110.9 as added by Public Act 95-530 and Section 7-139.12 as added by Public Act 95-530, and by adding Sections 5-214.2 and 10-109 as follows:

(40 ILCS 5/3-110.8)

Sec. 3-110.8. Transfer to IMRF.

(a) Until January 1, ~~2009~~ ~~2008~~, any active member of the Illinois Municipal Retirement Fund may apply to transfer up to who has less than 8 years of creditable service in a police pension fund under this Article, ~~may apply for transfer of his or her creditable service accumulated in that fund~~ to the Illinois Municipal Retirement Fund. The creditable service shall be transferred upon payment by the police pension fund to the Illinois Municipal Retirement Fund of an amount equal to:

(1) the amounts accumulated to the credit of the applicant on the books of the fund on the date of transfer; and

(2) employer contributions in an amount equal to the amount determined under subparagraph (1); and

(3) any interest paid by the applicant in order to reinstate service.

Creditable service transferred to the Illinois Municipal Retirement Fund under this Section shall terminate on the date of the transfer. Participation in this Fund shall terminate on the date of transfer.

(b) Until January 1, ~~2009~~ ~~2008~~, any active member of the Illinois Municipal Retirement Fund member ~~under subsection (a)~~ may reinstate all or any portion of his or her service that which was terminated by receipt of a refund, by payment to the police pension fund of the amount of the refund with interest thereon at the actuarially assumed rate of ~~6%~~ per year, compounded annually, from the date of refund to the date of payment.

(Source: P.A. 94-356, eff. 7-29-05; 95-530, eff. 8-28-07.)

(40 ILCS 5/3-110.10)

Sec. ~~3-110.10~~ ~~3-110.9~~. Transfer from Article 7. Until January 1, ~~2009~~ ~~2008~~, a person may transfer to a fund established under this Article up to 8 years of creditable service accumulated under Article 7 of this Code upon payment to the fund of an amount to be determined by the board, equal to (i) the difference between the amount of employee and employer contributions transferred to the fund under Section 7-139.11 and the amounts that would have been contributed had such contributions been made at the rates applicable to an employee under this Article, plus (ii) interest thereon at the actuarially assumed

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effective rate for each year, compounded annually, from the date of service to the date of payment. (Source: P.A. 95-530, eff. 8-28-07; revised 12-6-07.)

(40 ILCS 5/4-109.3)

Sec. 4-109.3. Employee creditable service.

(a) As used in this Section:

"Final monthly salary" means the monthly salary attached to the rank held by the firefighter at the time of his or her last withdrawal from service under a particular pension fund.

"Last pension fund" means the pension fund in which the firefighter was participating at the time of his or her last withdrawal from service.

(b) The benefits provided under this Section are available only to a firefighter who:

(1) is a firefighter at the time of withdrawal from the last pension fund and for at least the final 3 years of employment prior to that withdrawal;

(2) has established service credit with at least one pension fund established under this Article other than the last pension fund;

(3) has a total of at least 20 years of service under the various pension funds established under this Article and has attained age 50; and

(4) is in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(c) A firefighter who is eligible for benefits under this Section may elect to receive a retirement pension from each pension fund under this Article in which the firefighter has at least one year of service credit but has not received a refund under Section 4-116 (unless the firefighter repays that refund under subsection (g) or subsection (c) of Section 4-118.1, by applying in writing and paying the contribution required under subsection (i)).

(d) From each such pension fund other than the last pension fund, in lieu of any retirement pension otherwise payable under this Article, a firefighter to whom this Section applies may elect to receive a monthly pension of 1/12th of 2.5% of his or her final monthly salary under that fund for each month of service in that fund, subject to a maximum of 75% of that final monthly salary.

(e) From the last pension fund, in lieu of any retirement pension otherwise payable under this Article, a firefighter to whom this Section applies may elect to receive a monthly pension calculated as follows:

The last pension fund shall calculate the retirement pension that would be payable to the firefighter under subsection (a) of Section 4-109 as if he or she had participated in that last pension fund during his or her entire period of service under all pension funds established under this Article (excluding any period of service for which the firefighter has received a refund under Section 4-116, unless the firefighter repays that refund under subsection (g), or for which the firefighter has received a refund under subsection (c) of Section 4-118.1). From this hypothetical pension there shall be subtracted the original amounts of the retirement pensions payable to the firefighter by all other pension funds under subsection (d). The remainder is the retirement pension payable to the firefighter by the last pension fund under this subsection (e).

(f) Pensions elected under this Section shall be subject to increases as provided in subsection (d) of Section 4-109.1.

(g) A current firefighter may reinstate creditable service in a pension fund established under this Article that was terminated upon receipt of a refund, by payment to that pension fund of the amount of the refund together with interest thereon at the rate of 6% per year, compounded annually, from the date of the refund to the date of payment. A repayment of a refund under this Section may be made in equal installments over a period of up to 10 years, but must be paid in full prior to retirement.

(h) As a condition of being eligible for the benefits provided in this Section, a person who is hired to a position as a firefighter on or after July 1, 2004 must, within 21 months after being hired, notify the new employer, all of his or her previous employers under this Article, and the Public Pension Division of the Division of Insurance of the Department of Financial and Professional Regulation of his or her intent to receive the benefits provided under this Section.

(i) In order to receive a pension under this Section or an occupational disease disability pension for which he or she becomes eligible due to the application of subsection (m) of this Section, a firefighter must pay to each pension fund from which he or she has elected to receive a pension under this Section a contribution equal to 1% of monthly salary for each month of service credit that the firefighter has in that fund (other than service credit for which the firefighter has already paid the additional contribution required under subsection (c) of Section 4-118.1), together with interest thereon at the rate of 6% per annum, compounded annually, from the firefighter's first day of employment with that fund or the first day of the fiscal year of that fund that immediately precedes the firefighter's first day of employment with that fund, whichever is earlier.

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In order for a firefighter who, as of the effective date of this amendatory Act of the 93rd General Assembly, has not begun to receive a pension under this Section or an occupational disease disability pension under subsection (m) of this Section and who has contributed 1/12th of 1% of monthly salary for each month of service credit that the firefighter has in that fund (other than service credit for which the firefighter has already paid the additional contribution required under subsection (c) of Section 4-118.1), together with the required interest thereon, to receive a pension under this Section or an occupational disease disability pension for which he or she becomes eligible due to the application of subsection (m) of this Section, the firefighter must, within one year after the effective date of this amendatory Act of the 93rd General Assembly, make an additional contribution equal to 11/12ths of 1% of monthly salary for each month of service credit that the firefighter has in that fund (other than service credit for which the firefighter has already paid the additional contribution required under subsection (c) of Section 4-118.1), together with interest thereon at the rate of 6% per annum, compounded annually, from the firefighter's first day of employment with that fund or the first day of the fiscal year of that fund that immediately precedes the firefighter's first day of employment with the fund, whichever is earlier. A firefighter who, as of the effective date of this amendatory Act of the 93rd General Assembly, has not begun to receive a pension under this Section or an occupational disease disability pension under subsection (m) of this Section and who has contributed 1/12th of 1% of monthly salary for each month of service credit that the firefighter has in that fund (other than service credit for which the firefighter has already paid the additional contribution required under subsection (c) of Section 4-118.1), together with the required interest thereon, in order to receive a pension under this Section or an occupational disease disability pension under subsection (m) of this Section, may elect, within one year after the effective date of this amendatory Act of the 93rd General Assembly to forfeit the benefits provided under this Section and receive a refund of that contribution.

(j) A retired firefighter who is receiving pension payments under Section 4-109 may reenter active service under this Article. Subject to the provisions of Section 4-117, the firefighter may receive credit for service performed after the reentry if the firefighter (1) applies to receive credit for that service, (2) suspends his or her pensions under this Section, and (3) makes the contributions required under subsection (i).

(k) A firefighter who is newly hired or promoted to a position as a firefighter shall not be denied participation in a fund under this Article based on his or her age.

(l) If a firefighter who elects to make contributions under subsection (c) of Section 4-118.1 for the pension benefits provided under this Section becomes entitled to a disability pension under Section 4-110, the last pension fund is responsible to pay that disability pension and the amount of that disability pension shall be based only on the firefighter's service with the last pension fund.

(m) Notwithstanding any provision in Section 4-110.1 to the contrary, if a firefighter who elects to make contributions under subsection (c) of Section 4-118.1 for the pension benefits provided under this Section becomes entitled to an occupational disease disability pension under Section 4-110.1, each pension fund to which the firefighter has made contributions under subsection (c) of Section 4-118.1 must pay a portion of that occupational disease disability pension equal to the proportion that the firefighter's service credit with that pension fund for which the contributions under subsection (c) of Section 4-118.1 have been made bears to the firefighter's total service credit with all of the pension funds for which the contributions under subsection (c) of Section 4-118.1 have been made. A firefighter who has made contributions under subsection (c) of Section 4-118.1 for at least 5 years of creditable service shall be deemed to have met the 5-year creditable service requirement under Section 4-110.1, regardless of whether the firefighter has 5 years of creditable service with the last pension fund.

(n) If a firefighter who elects to make contributions under subsection (c) of Section 4-118.1 for the pension benefits provided under this Section becomes entitled to a disability pension under Section 4-111, the last pension fund is responsible to pay that disability pension, provided that the firefighter has at least 7 years of creditable service with the last pension fund. In the event a firefighter began employment with a new employer as a result of an intergovernmental agreement that resulted in the elimination of the previous employer's fire department, the firefighter shall not be required to have 7 years of creditable service with the last pension fund to qualify for a disability pension under Section 4-111. Under this circumstance, a firefighter shall be required to have 7 years of total combined creditable service time to qualify for a disability pension under Section 4-111. The disability pension received pursuant to this Section shall be paid by the previous employer and new employer in proportion to the firefighter's years of service with each employer.

(Source: P.A. 93-689, eff. 7-1-04; 93-1090, eff. 3-11-05.)

(40 ILCS 5/5-168) (from Ch. 108 1/2, par. 5-168)

Sec. 5-168. Financing.

(a) Except as expressly provided in this Section, the city shall levy a tax annually upon all taxable property therein for the purpose of providing revenue for the fund.

The tax shall be at a rate that will produce a sum which, when added to the amounts deducted from the policemen's salaries and the amounts deposited in accordance with subsection (g), is sufficient for the purposes of the fund.

For the years 1968 and 1969, the city council shall levy a tax annually at a rate on the dollar of the assessed valuation of all taxable property that will produce, when extended, not to exceed \$9,700,000. Beginning with the year 1970 and each year thereafter the city council shall levy a tax annually at a rate on the dollar of the assessed valuation of all taxable property that will produce when extended an amount not to exceed the total amount of contributions by the policemen to the Fund made in the calendar year 2 years before the year for which the applicable annual tax is levied, multiplied by 1.40 for the tax levy year 1970; by 1.50 for the year 1971; by 1.65 for 1972; by 1.85 for 1973; by 1.90 for 1974; by 1.97 for 1975 through 1981; by 2.00 for 1982 and for each year thereafter. For the purposes of this subsection (a), contributions by the policeman to the Fund shall not include payments made by a policeman to establish credit under Section 5-214.2 of this Code.

(b) The tax shall be levied and collected in like manner with the general taxes of the city, and is in addition to all other taxes which the city is now or may hereafter be authorized to levy upon all taxable property therein, and is exclusive of and in addition to the amount of tax the city is now or may hereafter be authorized to levy for general purposes under any law which may limit the amount of tax which the city may levy for general purposes. The county clerk of the county in which the city is located, in reducing tax levies under Section 8-3-1 of the Illinois Municipal Code, shall not consider the tax herein authorized as a part of the general tax levy for city purposes, and shall not include the tax in any limitation of the percent of the assessed valuation upon which taxes are required to be extended for the city.

(c) On or before January 10 of each year, the board shall notify the city council of the requirement that the tax herein authorized be levied by the city council for that current year. The board shall compute the amounts necessary for the purposes of this fund to be credited to the reserves established and maintained within the fund; shall make an annual determination of the amount of the required city contributions; and shall certify the results thereof to the city council.

As soon as any revenue derived from the tax is collected it shall be paid to the city treasurer of the city and shall be held by him for the benefit of the fund in accordance with this Article.

(d) If the funds available are insufficient during any year to meet the requirements of this Article, the city may issue tax anticipation warrants against the tax levy for the current fiscal year.

(e) The various sums, including interest, to be contributed by the city, shall be taken from the revenue derived from such tax or otherwise as expressly provided in this Section. Any moneys of the city derived from any source other than the tax herein authorized shall not be used for any purpose of the fund nor the cost of administration thereof, unless applied to make the deposit expressly authorized in this Section or the additional city contributions required under subsection (h).

(f) If it is not possible or practicable for the city to make its contributions at the time that salary deductions are made, the city shall make such contributions as soon as possible thereafter, with interest thereon to the time it is made.

(g) In lieu of levying all or a portion of the tax required under this Section in any year, the city may deposit with the city treasurer no later than March 1 of that year for the benefit of the fund, to be held in accordance with this Article, an amount that, together with the taxes levied under this Section for that year, is not less than the amount of the city contributions for that year as certified by the board to the city council. The deposit may be derived from any source legally available for that purpose, including, but not limited to, the proceeds of city borrowings. The making of a deposit shall satisfy fully the requirements of this Section for that year to the extent of the amounts so deposited. Amounts deposited under this subsection may be used by the fund for any of the purposes for which the proceeds of the tax levied under this Section may be used, including the payment of any amount that is otherwise required by this Article to be paid from the proceeds of that tax.

(h) In addition to the contributions required under the other provisions of this Article, by November 1 of the following specified years, the city shall deposit with the city treasurer for the benefit of the fund, to be held and used in accordance with this Article, the following specified amounts: \$6,300,000 in 1999; \$5,880,000 in 2000; \$5,460,000 in 2001; \$5,040,000 in 2002; and \$4,620,000 in 2003.

The additional city contributions required under this subsection are intended to decrease the unfunded liability of the fund and shall not decrease the amount of the city contributions required under the other provisions of this Article. The additional city contributions made under this subsection may be used by the fund for any of its lawful purposes.

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(Source: P.A. 93-654, eff. 1-16-04.)

(40 ILCS 5/5-178) (from Ch. 108 1/2, par. 5-178)

Sec. 5-178. Board created. A board of 8 members shall constitute a board of trustees authorized to administer the provisions of this Article. The board shall be known as the Retirement Board of the Policemen's Annuity and Benefit Fund of the city.

The board shall consist of 4 persons appointed by the mayor of the city; 3 policemen employed by the city, at least one of whom shall be a lieutenant or of a rank superior to lieutenant, one of whom shall be of the rank of sergeant, and one of whom shall be of the rank of investigator or a rank inferior to that rank; and one annuitant of the fund, or a pensioner of any prior police pension fund in operation, by authority of law, in the city. Children less than age 18 shall not be eligible for board membership. The term of office for all members shall be 3 years. For the election to be held in 2008 only, the terms for the member who is a lieutenant or of a rank superior to lieutenant and the member who is a sergeant shall be 3 years and the terms for the member who is an investigator or a rank inferior to that rank and the annuitant member shall be 4 years. After the terms of the 2008 election are completed, the terms revert to 3-year terms for each elected trustee. Upon his election, the member holding the rank of investigator or a rank inferior to that rank shall be detailed by the Police Superintendent to the office of the board for the duration of his term as trustee.

The members of a retirement board holding office in a city at the time this Article becomes effective, including elected, appointed and ex-officio members, shall continue in office until the expiration of their respective terms or appointment and until their respective successors are elected or appointed, and qualified.

At least 30 days prior to the expiration of the term of office of each appointive member the mayor shall appoint a successor for a term of 3 years.

The board shall conduct a regular election at least 30 days prior to the expiration of the terms of the active policemen members and annuitant or beneficiary members for election of a successor of each such member for a term of 3 years.

Any member of the board so appointed or elected shall continue in office until his successor is selected and has qualified.

Any person so appointed or elected shall qualify by taking an oath of office. A copy thereof shall be kept in the office of the city clerk of the city.

(Source: P.A. 86-273.)

(40 ILCS 5/5-214.2 new)

Sec. 5-214.2. Credit for certain law enforcement service. An active policeman who is a member of this Fund on or before the effective date of this Section may establish up to 10 years of additional service credit in 6-month increments for service in a law enforcement capacity under Articles 3, 7, 9, 10, 13, 14, and 15 and Division 1 of Article 22 or as a law enforcement officer with the Chicago Housing Authority, provided that: (1) service credit is not available for that employment under any other provision of this Article; (2) any service credit for that employment received under any other provision of this Code or under the retirement plan of the Chicago Housing Authority has been terminated; and (3) the policeman applies for this credit in writing within one year after the effective date of this Section and pays to the Fund within 5 years after the date of application an amount to be determined by the Fund in accordance with this Section.

An active policeman who becomes a member of this Fund after the effective date of this Section may establish up to 10 years of additional service credit in 6-month increments for service in a law enforcement capacity under Articles 3, 7, 9, 10, 13, 14, and 15 and Division 1 of Article 22 or as a law enforcement officer with the Chicago Housing Authority, provided that: (1) service credit is not available for that employment under any other provision of this Article; (2) any service credit for that employment received under any other provision of this Code or under the retirement plan of the Chicago Housing Authority has been terminated; and (3) the policeman applies for this credit in writing within 2 years after he or she begins employment under this Article and pays to the Fund within 5 years after the date of application an amount to be determined by the Fund in accordance with this Section.

The Fund must determine the policeman's payment required to establish creditable service under this Section by taking into account the appropriate actuarial assumptions, including without limitation the police officer's service, age, and salary history; the level of funding of the Fund; and any other factors that the Fund determines to be relevant. For this purpose, the policeman's required payment should result in no significant increase to the Fund's unfunded actuarial accrued liability determined as of the most recent actuarial valuation, based on the same assumptions and methods used to develop and report the Fund's actuarial accrued liability and actuarial value of assets under Statement No. 25 of Governmental Accounting Standards Board or any subsequent applicable Statement.

(40 ILCS 5/7-139.11)

Sec. 7-139.11. Transfer to Article 3 pension fund.

(a) ~~Until January 1, 2009~~ 2008, a person who has become an active participant in a police pension fund established under Article 3 of this Code may transfer who has less than 8 years of creditable service under this Article and who has become an active participant in a police pension fund established under Article 3 of this Code may apply for transfer to that Article 3 fund of his or her creditable service accumulated under this Article. At the time of the transfer the Fund shall pay to the police pension fund an amount equal to:

- (1) the amounts accumulated to the credit of the applicant under this Article, including interest; and
- (2) the municipality credits based on that service, including interest; and
- (3) any interest paid by the applicant in order to reinstate that service.

Participation in this Fund with respect to the transferred credits shall terminate on the date of transfer.

(b) An active member of a pension fund established under Article 3 of this Code may reinstate creditable service under this Article that was terminated by receipt of a refund, by paying to the Fund the amount of the refund plus interest thereon at the actuarially assumed rate of ~~6% per year~~, compounded annually, from the date of refund to the date of payment.

(Source: P.A. 94-356, eff. 7-29-05; 95-530, eff. 8-28-07.)

(40 ILCS 5/7-139.13)

Sec. ~~7-139.13~~ 7-139.12. Transfer from Article 3. Notwithstanding subdivision (a)10 of Section 7-139, from the effective date of this amendatory Act of the 95th General Assembly until January 1, 2009 2008, a person may transfer to the Illinois Municipal Retirement System Systems up to 8 years of creditable service accumulated under Article 3 of this Code . To establish creditable service under this Section, a person may elect to do either of the following:

(A) ~~Pay upon payment~~ to the Fund of an amount to be determined by the board, equal to (i) the difference

between the amount of employee and employer contributions transferred to the Fund under Section 3-110.8 and the amounts that would have been contributed had such contributions been made at the rates applicable to an employee under this Article, plus (ii) interest thereon at the actuarially assumed effective rate for each year, compounded annually, from the date of service to the date of payment .

(B) Have the amount of his or her creditable service established under this Section reduced by an amount corresponding to the amount by which (i) the employer and employee contributions that would have been required if he had participated in this Fund during the period for which credit is being transferred, plus interest thereon at the actuarially assumed rate, compounded annually, from the date of termination of the service for which credit is being transferred to the date of payment, exceeds (ii) the amount actually transferred to the Fund.

(Source: P.A. 95-530, eff. 8-28-07; revised 12-6-07.)

(40 ILCS 5/8-163) (from Ch. 108 1/2, par. 8-163)

Sec. 8-163. When disability benefit not payable.

(a) If an employee receiving duty or ordinary disability benefit refuses to submit to examination by a physician appointed by the board, or fails or refuses to consent to and sign an authorization allowing the board to receive copies of or examine the employee's medical and hospital records, or fails or refuses to provide complete information regarding any other employment for compensation he has received since he has become disabled, he shall have no further right to receive the benefit.

(b) Disability benefit shall not be paid for any time for which the employee receives any part of his salary or is employed by any public body supported in whole or in part by taxation.

(c) Before any action is taken by the Board on an application for a duty disability benefit or a widow's compensation or supplemental benefit, the employee or widow shall file a claim with the employer to establish that the disability or death occurred while the employee was acting within the scope of and in the course of his or her duties.

Any amounts provided to the employee or surviving spouse as temporary total disability payments, permanent disability payments, a lump sum settlement award, or other payment under the Workers' Compensation Act or the Workers' Occupational Diseases Act shall be applied as an offset to the disability benefit paid by the Fund, whether duty or ordinary, or any widow compensation or supplemental benefit payable under this Article until a period of time has elapsed when the benefit payable equals the amount of such compensation, payment, or award. The duty disability benefit shall be offset at the rate of the amount of temporary total disability payments or permanent disability payments made under the Workers' Compensation Act or the Workers' Occupational Diseases Act.

If such amounts are not readily determinable or if an employee has not received temporary total

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disability payments or permanent weekly or monthly payments for the entire period of disability up to the time of the compensation, payment, or award under the Workers' Compensation Act or the Workers' Occupational Diseases Act, the disability benefit paid by the Fund shall be offset by 66 2/3% of the employee's salary on the date of disablement. The offset shall not be greater than the amount of disability benefits due from the Fund. The offset shall be applied until a period of time has elapsed when the benefit payable equals the amount of such compensation, payment, or award. This offset shall not apply to the initial days of disability when workers' compensation would not ordinarily be payable. If an employee who shall be disabled or his widow receives any compensation or payment from the city for specific loss, disability or death under the Workers' Compensation Act, or Workers' Occupational Diseases Act, the disability benefit or compensation or supplemental annuity payable as a result of such specific loss, disability or death shall be reduced by any amount so received if such amount is less than the benefit or annuity or, subject to adjustment when final determination of the amount received can be made, the amount estimated to be received under the provisions of the Workers' Compensation Act or Workers' Occupational Diseases Act. If the amount received as compensation payment or award under the aforesaid Acts exceeds the disability benefit or compensation or supplemental annuity payable as a result of such specific loss, disability or death, no payment of disability benefit or compensation or supplemental annuity shall be made until a period of time has elapsed when the benefit or compensation or supplemental annuity payable at the rate herein stated equals the amount of such compensation, payment or award. In calculating any such period of time, interest upon the amounts involved shall not be considered.

~~(d) An employee who enters service after December 31, 1987, or an employee who makes application for a disability benefit or applies for a disability benefit for a recurrence of a previous disability, and who, while in receipt of an ordinary or duty disability benefit, assumes any employment for compensation, shall not be entitled to receive any amount of such disability benefit which, when added to his compensation for such employment during disability, plus any amount payable under the provisions of the Workers' Compensation Act or Workers' Occupational Diseases Act, would exceed the rate of salary on which his disability benefit is based.~~  
(Source: P.A. 85-964.)

(40 ILCS 5/9-156) (from Ch. 108 1/2, par. 9-156)

Sec. 9-156. Duty disability benefit - Child's disability benefit. An employee who becomes disabled after the effective date while under age 65 and prior to January 1, 1979, or while under age 70 after January 1, 1979 and prior to January 1, 1987, as the result of injury incurred - on or after the date he has been included under this Article - in the performance of an act or acts of duty shall have a right to receive duty disability benefit, during any period of such disability for which he receives no salary. Any employee who becomes disabled after January 1, 1987, as the result of injury incurred on or after the date he has been included under the Article and in the performance of an act or acts of duty, shall have a right to receive a duty disability benefit during any period of such disability for which he receives no salary. The benefit shall be 75% of salary at date of injury; provided, that if disability, in any measure, has resulted from any physical defect or disease which existed at the time such injury was sustained, the duty disability benefit shall be 50% of salary at date of such injury.

The employee shall also have a right to receive child's disability benefit of \$10 a month on account of each child less than age 18. Child's disability benefits shall not exceed 15% of the salary as aforesaid.

These benefits shall not be allowed unless application therefor is made while the disability exists; except that this limitation does not apply if the board finds that there was reasonable cause for delay in filing the application while the disability existed. This amendatory Act of the 95th General Assembly is intended to be a restatement and clarification of existing law and does not imply that application for a duty disability benefit made after the disability had ceased, without a finding of reasonable cause, was previously allowed under this Article.

The first payment of duty disability or child's disability benefit shall be made not later than one month after such benefit is granted and each subsequent payment shall be made not later than one month after the last preceding payment.

Duty disability benefit is payable during disability until the employee attains age 65 if the disability commences prior to January 1, 1979. If the disability commences on or after January 1, 1979, the benefit prescribed herein shall be payable during disability until the employee attains age 65 for disability commencing prior to age 60, or for a period of 5 years or until attainment of age 70, whichever occurs first, for disability commencing at age 60 or older and on or after January 1, 1979 but prior to January 1, 1987. If the disability commences on or after January 1, 1987, the benefit prescribed herein shall be payable during disability for a period of 5 years for disability commencing at age 60 or older. In either case, child's disability benefit shall be paid to the employee parent of any unmarried child less than age

18, during such time until the child marries or attains age 18. The employee shall thereafter receive such annuity as is otherwise provided under this Article.

Any employee whose duty disability benefit was terminated on or after January 1, 1987 by reason of his attainment of age 70, and who continues to be disabled after age 70, may elect before March 31, 1988, to have such benefits resumed beginning at the time of such termination and continuing until termination is required under this Section as amended by this amendatory Act of 1987. The amount payable to any employee for such resumed benefit for any period shall be reduced by the amount of any retirement annuity paid to such employee under this Article for the same period of time or by any refund paid in lieu of annuity.

(Source: P.A. 85-964.)

(40 ILCS 5/9-158) (from Ch. 108 1/2, par. 9-158)

Sec. 9-158. Proof of disability, duty and ordinary.

Proof of duty or ordinary disability shall be furnished to the board by at least one licensed and practicing physician appointed by the board. With respect to duty disability, satisfactory proof must be provided to the board that the final adjudication of the claim required under subsection (d) of Section 9-159 established that the disability or death resulted from an injury incurred in the performance of an act or acts of duty. The board may require other evidence of disability. Each disabled employee who receives duty or ordinary disability benefit shall be examined at least once a year by one or more licensed and practicing physicians appointed by the board. When the disability ceases, the board shall discontinue payment of the benefit and the employee shall be returned to active service.

(Source: Laws 1963, p. 161.)

(40 ILCS 5/9-159) (from Ch. 108 1/2, par. 9-159)

Sec. 9-159. When disability benefit not payable.

(a) If an employee receiving duty disability or ordinary disability benefit refuses to submit to examination by a physician appointed by the board, he shall have no further right to receive the benefit.

(b) Disability benefit shall not be paid for any time for which the employee receives any part of his salary, or while employed by any public body supported in whole or in part by taxation.

(c) If an employee who shall be disabled, or his widow or children receive any compensation or payment from the county for specific loss, disability or death under the Workers' Compensation Act or Workers' Occupational Diseases Act, the disability benefit or any annuity for him or his widow or children payable as the result of such specific loss, disability or death shall be reduced by any amount so received or recoverable. If the amount received as such compensation or payment exceeds such disability benefit or other annuity payable as the result of such specific loss, disability or death, no payment of disability benefit or other annuity shall be made until the accumulative amounts thereof equals the amount of such compensation or payment. In such calculation no interest shall be considered. In adjusting the amount of any annuity in relation to compensation received or recoverable during any period of time, the annuity to the widow shall be first reduced.

If any employee, or widow shall be denied compensation by such county under the aforesaid Acts, or if such county shall fail to act, such denial or failure to act shall not be considered final until the claim has been adjudicated by the Illinois Workers' Compensation Commission.

(d) Before any action may be taken by the board on an application for duty disability benefit or widow's compensation or supplemental benefit, other than rejection of any such application that is otherwise incomplete or untimely, the related applicant must file a timely claim under the Workers' Compensation Act or the Workers' Occupational Diseases Act, as applicable, to establish that the disability or death resulted from an injury incurred in the performance of an act or acts of duty, and the applicant must receive compensation or payment from the claim or the claim must otherwise be finally adjudicated.

(Source: P.A. 93-721, eff. 1-1-05.)

(40 ILCS 5/10-103) (from Ch. 108 1/2, par. 10-103)

Sec. 10-103. Members, contributions and benefits. The board shall cause the same deductions to be made from salaries and subject to Section 10-109, allow the same annuities, refunds and benefits for employees of the district as are made and allowed for employees of the county.

(Source: P.A. 81-1536.)

(40 ILCS 5/10-109 new)

Sec. 10-109. Felony conviction. None of the benefits provided in this Article shall be paid to any person who is convicted of any felony relating to or arising out of or in connection with his service as an employee.

This Section shall not operate to impair any contract or vested right heretofore acquired under any law or laws continued in this Article, nor to preclude the right to a refund.

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All future entrants entering service after the effective date of this amendatory Act of the 95th General Assembly shall be deemed to have consented to the provisions of this Section as a condition of coverage. (40 ILCS 5/11-158) (from Ch. 108 1/2, par. 11-158)

Sec. 11-158. When disability benefit not payable.

(a) If an employee receiving duty or ordinary disability benefit refuses to submit to examination by a physician appointed by the board, or fails or refuses to consent to and sign an authorization allowing the board to receive copies of or examine the employee's medical and hospital records, or fails or refuses to provide complete information regarding any other employment for compensation he has received since he has become disabled, he shall have no further right to receive the benefit.

(b) Disability benefit shall not be paid for any time for which the employee receives any part of his salary or while employed by any public body supported in whole or in part by taxation.

(c) Before any action is taken by the Board on an application for a duty disability benefit or a widow's compensation or supplemental benefit, the employee or widow shall file a claim with the employer to establish that the disability or death occurred while the employee was acting within the scope of and in the course of his duties.

Any amounts provided to the employee or surviving spouse either as temporary total disability payments, permanent total disability payments, a lump sum settlement, award, or other payment under the Workers' Compensation Act or Workers' Occupational Diseases Act shall be applied as an offset to the disability benefit paid by the Fund, whether duty or ordinary, or any widow compensation or supplemental benefit payable hereunder until a period of time has elapsed when the benefit payable equals the amount of such compensation, payment, or award. The duty disability benefit will be offset at the rate of the amount of temporary total disability payments or permanent disability payments made under the Workers' Compensation Act or Workers' Occupational Diseases Act.

If such amounts are not readily determinable or if an employee has not received temporary total disability payments or permanent weekly or monthly payments for the entire period of disability up to the time of the compensation, payment, or award under the Workers' Compensation Act or Workers' Occupational Diseases Act, the disability benefit paid by the Fund will be offset by 66 2/3% of the employee's salary on the date of disablement. The offset will not be greater than the amount of disability benefits due from the Fund. The offset will be applied until a period of time has elapsed when the benefit payable equals the amount of such compensation, payment, or award. This offset will not apply to the initial days of disability when workers' compensation would not ordinarily be payable.

The amount of compensation or supplemental annuity payable to a widow will be offset by any compensation, payment, or award until a period of time has elapsed when the benefit payable equals the amount of such compensation, payment, or award.

If an employee who has been disabled has received ordinary disability from the Fund and also receives any compensation or payment for specific loss, disability, or death under the Workers' Compensation Act or Workers' Occupational Diseases Act, the ordinary disability benefit must be repaid to the Fund before any other benefit under this Article can be granted or paid. If no other benefit is applied for, the ordinary disability would be offset according to the provisions of this Section.

The employee and the employer shall provide the Fund on a timely basis, with the entry of the settlement contract lump sum petition and order settlement of any such lawsuit, including all details of the settlement.

If an employee who shall be disabled or his widow receives any compensation or payment from the city for specific loss, disability or death under the Workers' Compensation Act, or Workers' Occupational Diseases Act, and the disability or injury or loss which forms the basis for any compensation, award, pension or payment for a specific loss is also a condition which renders such employee incapable of performing his duties in the service, the disability benefit shall be reduced by any amount so received if such amount is less than the benefit or, subject to adjustment when final determination of the amount received can be made, the amount estimated to be received under the provisions of the Workers' Compensation Act or Workers' Occupational Diseases Act. If the amount received as compensation, payment or award under the aforesaid Acts exceeds the disability benefit, no payment of benefit shall be made until a period of time has elapsed when the benefit payable at the rate herein stated equals the amount of such compensation, payment or award. In calculating any such period of time, interest upon the amounts involved shall not be considered.

(d) An employee who enters service after December 31, 1987, or an employee who makes application for a disability benefit or applies for a disability benefit for a recurrence of a previous disability, and who, while in receipt of an ordinary or duty disability benefit, assumes any employment for compensation, shall not be entitled to receive any amount of such disability benefit which, when added to his compensation for such employment during disability, plus any amount payable under the

provisions of the Workers' Compensation Act or Workers' Occupational Diseases Act, would exceed the rate of salary on which his disability benefit is based.

(Source: P.A. 85-964.)

(40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

Sec. 14-110. Alternative retirement annuity.

(a) Any member who has withdrawn from service with not less than 20 years of eligible creditable service and has attained age 55, and any member who has withdrawn from service with not less than 25 years of eligible creditable service and has attained age 50, regardless of whether the attainment of either of the specified ages occurs while the member is still in service, shall be entitled to receive at the option of the member, in lieu of the regular or minimum retirement annuity, a retirement annuity computed as follows:

(i) for periods of service as a noncovered employee: if retirement occurs on or after

January 1, 2001, 3% of final average compensation for each year of creditable service; if retirement occurs before January 1, 2001, 2 1/4% of final average compensation for each of the first 10 years of creditable service, 2 1/2% for each year above 10 years to and including 20 years of creditable service, and 2 3/4% for each year of creditable service above 20 years; and

(ii) for periods of eligible creditable service as a covered employee: if retirement occurs on or after January 1, 2001, 2.5% of final average compensation for each year of creditable service; if retirement occurs before January 1, 2001, 1.67% of final average compensation for each of the first 10 years of such service, 1.90% for each of the next 10 years of such service, 2.10% for each year of such service in excess of 20 but not exceeding 30, and 2.30% for each year in excess of 30.

Such annuity shall be subject to a maximum of 75% of final average compensation if retirement occurs before January 1, 2001 or to a maximum of 80% of final average compensation if retirement occurs on or after January 1, 2001.

These rates shall not be applicable to any service performed by a member as a covered employee which is not eligible creditable service. Service as a covered employee which is not eligible creditable service shall be subject to the rates and provisions of Section 14-108.

(b) For the purpose of this Section, "eligible creditable service" means creditable service resulting from service in one or more of the following positions:

- (1) State policeman;
- (2) fire fighter in the fire protection service of a department;
- (3) air pilot;
- (4) special agent;
- (5) investigator for the Secretary of State;
- (6) conservation police officer;
- (7) investigator for the Department of Revenue;
- (8) security employee of the Department of Human Services;
- (9) Central Management Services security police officer;
- (10) security employee of the Department of Corrections or the Department of Juvenile Justice;
- (11) dangerous drugs investigator;
- (12) investigator for the Department of State Police;
- (13) investigator for the Office of the Attorney General;
- (14) controlled substance inspector;
- (15) investigator for the Office of the State's Attorneys Appellate Prosecutor;
- (16) Commerce Commission police officer;
- (17) arson investigator;
- (18) State highway maintenance worker.

A person employed in one of the positions specified in this subsection is entitled to eligible creditable service for service credit earned under this Article while undergoing the basic police training course approved by the Illinois Law Enforcement Training Standards Board, if completion of that training is required of persons serving in that position. For the purposes of this Code, service during the required basic police training course shall be deemed performance of the duties of the specified position, even though the person is not a sworn peace officer at the time of the training.

(c) For the purposes of this Section:

- (1) The term "state policeman" includes any title or position in the Department of State Police that is held by an individual employed under the State Police Act.
- (2) The term "fire fighter in the fire protection service of a department" includes all officers in such fire protection service including fire chiefs and assistant fire chiefs.

(3) The term "air pilot" includes any employee whose official job description on file in the Department of Central Management Services, or in the department by which he is employed if that department is not covered by the Personnel Code, states that his principal duty is the operation of aircraft, and who possesses a pilot's license; however, the change in this definition made by this amendatory Act of 1983 shall not operate to exclude any noncovered employee who was an "air pilot" for the purposes of this Section on January 1, 1984.

(4) The term "special agent" means any person who by reason of employment by the Division of Narcotic Control, the Bureau of Investigation or, after July 1, 1977, the Division of Criminal Investigation, the Division of Internal Investigation, the Division of Operations, or any other Division or organizational entity in the Department of State Police is vested by law with duties to maintain public order, investigate violations of the criminal law of this State, enforce the laws of this State, make arrests and recover property. The term "special agent" includes any title or position in the Department of State Police that is held by an individual employed under the State Police Act.

(5) The term "investigator for the Secretary of State" means any person employed by the Office of the Secretary of State and vested with such investigative duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

A person who became employed as an investigator for the Secretary of State between January 1, 1967 and December 31, 1975, and who has served as such until attainment of age 60, either continuously or with a single break in service of not more than 3 years duration, which break terminated before January 1, 1976, shall be entitled to have his retirement annuity calculated in accordance with subsection (a), notwithstanding that he has less than 20 years of credit for such service.

(6) The term "Conservation Police Officer" means any person employed by the Division of Law Enforcement of the Department of Natural Resources and vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act. The term "Conservation Police Officer" includes the positions of Chief Conservation Police Administrator and Assistant Conservation Police Administrator.

(7) The term "investigator for the Department of Revenue" means any person employed by the Department of Revenue and vested with such investigative duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

(8) The term "security employee of the Department of Human Services" means any person employed by the Department of Human Services who (i) is employed at the Chester Mental Health Center and has daily contact with the residents thereof, (ii) is employed within a security unit at a facility operated by the Department and has daily contact with the residents of the security unit, (iii) is employed at a facility operated by the Department that includes a security unit and is regularly scheduled to work at least 50% of his or her working hours within that security unit, or (iv) is a mental health police officer. "Mental health police officer" means any person employed by the Department of Human Services in a position pertaining to the Department's mental health and developmental disabilities functions who is vested with such law enforcement duties as render the person ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. "Security unit" means that portion of a facility that is devoted to the care, containment, and treatment of persons committed to the Department of Human Services as sexually violent persons, persons unfit to stand trial, or persons not guilty by reason of insanity. With respect to past employment, references to the Department of Human Services include its predecessor, the Department of Mental Health and Developmental Disabilities.

The changes made to this subdivision (c)(8) by Public Act 92-14 apply to persons who retire on or after January 1, 2001, notwithstanding Section 1-103.1.

(9) "Central Management Services security police officer" means any person employed by the Department of Central Management Services who is vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

(10) For a member who first became an employee under this Article before July 1, 2005, the term "security employee of the Department of Corrections or the Department of Juvenile Justice" means any employee of the Department of Corrections or the Department of Juvenile Justice or the former Department of Personnel, and any member or employee of the Prisoner Review Board, who has daily contact with inmates or youth by working within a correctional facility or Juvenile facility

operated by the Department of Juvenile Justice or who is a parole officer or an employee who has direct contact with committed persons in the performance of his or her job duties. For a member who first becomes an employee under this Article on or after July 1, 2005, the term means an employee of the Department of Corrections or the Department of Juvenile Justice who is any of the following: (i) officially headquartered at a correctional facility or Juvenile facility operated by the Department of Juvenile Justice, (ii) a parole officer, (iii) a member of the apprehension unit, (iv) a member of the intelligence unit, (v) a member of the sort team, or (vi) an investigator.

(11) The term "dangerous drugs investigator" means any person who is employed as such by the Department of Human Services.

(12) The term "investigator for the Department of State Police" means a person employed by the Department of State Police who is vested under Section 4 of the Narcotic Control Division Abolition Act with such law enforcement powers as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

(13) "Investigator for the Office of the Attorney General" means any person who is employed as such by the Office of the Attorney General and is vested with such investigative duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. For the period before January 1, 1989, the term includes all persons who were employed as investigators by the Office of the Attorney General, without regard to social security status.

(14) "Controlled substance inspector" means any person who is employed as such by the Department of Professional Regulation and is vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. The term "controlled substance inspector" includes the Program Executive of Enforcement and the Assistant Program Executive of Enforcement.

(15) The term "investigator for the Office of the State's Attorneys Appellate Prosecutor" means a person employed in that capacity on a full time basis under the authority of Section 7.06 of the State's Attorneys Appellate Prosecutor's Act.

(16) "Commerce Commission police officer" means any person employed by the Illinois Commerce Commission who is vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act.

(17) "Arson investigator" means any person who is employed as such by the Office of the State Fire Marshal and is vested with such law enforcement duties as render the person ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act. A person who was employed as an arson investigator on January 1, 1995 and is no longer in service but not yet receiving a retirement annuity may convert his or her creditable service for employment as an arson investigator into eligible creditable service by paying to the System the difference between the employee contributions actually paid for that service and the amounts that would have been contributed if the applicant were contributing at the rate applicable to persons with the same social security status earning eligible creditable service on the date of application.

(18) The term "State highway maintenance worker" means a person who is either of the following:

(i) A person employed on a full-time basis by the Illinois Department of Transportation in the position of highway maintainer, highway maintenance lead worker, highway maintenance lead/lead worker, heavy construction equipment operator, power shovel operator, or bridge mechanic; and whose principal responsibility is to perform, on the roadway, the actual maintenance necessary to keep the highways that form a part of the State highway system in serviceable condition for vehicular traffic.

(ii) A person employed on a full-time basis by the Illinois State Toll Highway Authority in the position of equipment operator/laborer H-4, equipment operator/laborer H-6, welder H-4, welder H-6, mechanical/electrical H-4, mechanical/electrical H-6, water/sewer H-4, water/sewer H-6, sign maker/hanger H-4, sign maker/hanger H-6, roadway lighting H-4, roadway lighting H-6, structural H-4, structural H-6, painter H-4, or painter H-6; and whose principal responsibility is to perform, on the roadway, the actual maintenance necessary to keep the Authority's tollways in serviceable condition for vehicular traffic.

(d) A security employee of the Department of Corrections or the Department of Juvenile Justice, and a security employee of the Department of Human Services who is not a mental health police officer, shall not be eligible for the alternative retirement annuity provided by this Section unless he or she meets the



following minimum age and service requirements at the time of retirement:

- (i) 25 years of eligible creditable service and age 55; or
- (ii) beginning January 1, 1987, 25 years of eligible creditable service and age 54, or 24 years of eligible creditable service and age 55; or
- (iii) beginning January 1, 1988, 25 years of eligible creditable service and age 53, or 23 years of eligible creditable service and age 55; or
- (iv) beginning January 1, 1989, 25 years of eligible creditable service and age 52, or 22 years of eligible creditable service and age 55; or
- (v) beginning January 1, 1990, 25 years of eligible creditable service and age 51, or 21 years of eligible creditable service and age 55; or
- (vi) beginning January 1, 1991, 25 years of eligible creditable service and age 50, or 20 years of eligible creditable service and age 55.

Persons who have service credit under Article 16 of this Code for service as a security employee of the Department of Corrections or the Department of Juvenile Justice, or the Department of Human Services in a position requiring certification as a teacher may count such service toward establishing their eligibility under the service requirements of this Section; but such service may be used only for establishing such eligibility, and not for the purpose of increasing or calculating any benefit.

(e) If a member enters military service while working in a position in which eligible creditable service may be earned, and returns to State service in the same or another such position, and fulfills in all other respects the conditions prescribed in this Article for credit for military service, such military service shall be credited as eligible creditable service for the purposes of the retirement annuity prescribed in this Section.

(f) For purposes of calculating retirement annuities under this Section, periods of service rendered after December 31, 1968 and before October 1, 1975 as a covered employee in the position of special agent, conservation police officer, mental health police officer, or investigator for the Secretary of State, shall be deemed to have been service as a noncovered employee, provided that the employee pays to the System prior to retirement an amount equal to (1) the difference between the employee contributions that would have been required for such service as a noncovered employee, and the amount of employee contributions actually paid, plus (2) if payment is made after July 31, 1987, regular interest on the amount specified in item (1) from the date of service to the date of payment.

For purposes of calculating retirement annuities under this Section, periods of service rendered after December 31, 1968 and before January 1, 1982 as a covered employee in the position of investigator for the Department of Revenue shall be deemed to have been service as a noncovered employee, provided that the employee pays to the System prior to retirement an amount equal to (1) the difference between the employee contributions that would have been required for such service as a noncovered employee, and the amount of employee contributions actually paid, plus (2) if payment is made after January 1, 1990, regular interest on the amount specified in item (1) from the date of service to the date of payment.

(g) A State policeman may elect, not later than January 1, 1990, to establish eligible creditable service for up to 10 years of his service as a policeman under Article 3, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.5, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

Subject to the limitation in subsection (i), a State policeman may elect, not later than July 1, 1993, to establish eligible creditable service for up to 10 years of his service as a member of the County Police Department under Article 9, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 9-121.10 and the amounts that would have been contributed had those contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(h) Subject to the limitation in subsection (i), a State policeman or investigator for the Secretary of State may elect to establish eligible creditable service for up to 12 years of his service as a policeman under Article 5, by filing a written election with the Board on or before January 31, 1992, and paying to the System by January 31, 1994 an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 5-236, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded

annually, from the date of service to the date of payment.

Subject to the limitation in subsection (i), a State policeman, conservation police officer, or investigator for the Secretary of State may elect to establish eligible creditable service for up to 10 years of service as a sheriff's law enforcement employee under Article 7, by filing a written election with the Board on or before January 31, 1993, and paying to the System by January 31, 1994 an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 7-139.7, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

Subject to the limitation in subsection (i), a State policeman, conservation police officer, or investigator for the Secretary of State may elect to establish eligible creditable service for up to 5 years of service as a police officer under Article 3, a policeman under Article 5, a sheriff's law enforcement employee under Article 7, a member of the county police department under Article 9, or a police officer under Article 15 by filing a written election with the Board and paying to the System an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4 and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(i) The total amount of eligible creditable service established by any person under subsections (g), (h), (j), (k), and (l) of this Section shall not exceed 12 years.

(j) Subject to the limitation in subsection (i), an investigator for the Office of the State's Attorneys Appellate Prosecutor or a controlled substance inspector may elect to establish eligible creditable service for up to 10 years of his service as a policeman under Article 3 or a sheriff's law enforcement employee under Article 7, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (1) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.6 or 7-139.8, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (2) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(k) Subject to the limitation in subsection (i) of this Section, an alternative formula employee may elect to establish eligible creditable service for periods spent as a full-time law enforcement officer or full-time corrections officer employed by the federal government or by a state or local government located outside of Illinois, for which credit is not held in any other public employee pension fund or retirement system. To obtain this credit, the applicant must file a written application with the Board by March 31, 1998, accompanied by evidence of eligibility acceptable to the Board and payment of an amount to be determined by the Board, equal to (1) employee contributions for the credit being established, based upon the applicant's salary on the first day as an alternative formula employee after the employment for which credit is being established and the rates then applicable to alternative formula employees, plus (2) an amount determined by the Board to be the employer's normal cost of the benefits accrued for the credit being established, plus (3) regular interest on the amounts in items (1) and (2) from the first day as an alternative formula employee after the employment for which credit is being established to the date of payment.

(l) Subject to the limitation in subsection (i), a security employee of the Department of Corrections may elect, not later than July 1, 1998, to establish eligible creditable service for up to 10 years of his or her service as a policeman under Article 3, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.5, and the amounts that would have been contributed had such contributions been made at the rates applicable to security employees of the Department of Corrections, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(m) The amendatory changes to this Section made by this amendatory Act of the 94th General Assembly apply only to: (1) security employees of the Department of Juvenile Justice employed by the Department of Corrections before the effective date of this amendatory Act of the 94th General Assembly and transferred to the Department of Juvenile Justice by this amendatory Act of the 94th General Assembly; and (2) persons employed by the Department of Juvenile Justice on or after the effective date of this amendatory Act of the 94th General Assembly who are required by subsection (b) of Section 3-2.5-15 of the Unified Code of Corrections to have a bachelor's or advanced degree from an

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accredited college or university with a specialization in criminal justice, education, psychology, social work, or a closely related social science or, in the case of persons who provide vocational training, who are required to have adequate knowledge in the skill for which they are providing the vocational training.

(n) A person employed in a position under subsection (b) of this Section who has purchased service credit under subsection (j) of Section 14-104 or subsection (b) of Section 14-105 in any other capacity under this Article may convert up to 5 years of that service credit into service credit covered under this Section by paying to the Fund an amount equal to (1) the additional employee contribution required under Section 14-133, plus (2) the additional employer contribution required under Section 14-131, plus (3) interest on items (1) and (2) at the actuarially assumed rate from the date of the service to the date of payment.

(Source: P.A. 94-4, eff. 6-1-05; 94-696, eff. 6-1-06; 95-530, eff. 8-28-07.)

Section 90. The State Mandates Act is amended by adding Section 8.32 as follows:  
(30 ILCS 805/8.32 new)

Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law."

### AMENDMENT NO. 3 TO SENATE BILL 2520

AMENDMENT NO. 3. Amend Senate Bill 2520, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, by replacing line 12 on page 20 through line 14 on page 23 with the following:

"(40 ILCS 5/8-163) (from Ch. 108 1/2, par. 8-163)

Sec. 8-163. When disability benefit not payable.

(a) If an employee receiving duty or ordinary disability benefit refuses to submit to examination by a physician appointed by the board, or fails or refuses to consent to and sign an authorization allowing the board to receive copies of or examine the employee's medical and hospital records, or fails or refuses to provide complete information regarding any other employment for compensation he has received since he has become disabled, he shall have no further right to receive the benefit.

(b) Disability benefit shall not be paid for any time for which the employee receives any part of his salary or is employed by any public body supported in whole or in part by taxation.

(c) Before any action is taken by the Board on an application for a duty disability benefit or a widow's compensation or supplemental benefit, the employee or widow shall file a claim with the employer to establish that the disability or death occurred while the employee was acting within the scope of and in the course of his or her duties.

Any amounts provided to the employee or surviving spouse as temporary total disability payments, permanent total disability payments, a lump sum settlement award, or other payment under the Workers' Compensation Act or the Workers' Occupational Diseases Act shall be applied as an offset to the disability benefit paid by the Fund, whether duty or ordinary, or any widow compensation or supplemental benefit payable under this Article until a period of time has elapsed when the benefit payable equals the amount of such compensation, payment, or award. The duty disability benefit shall be offset at the rate of the amount of temporary total disability payments or permanent disability payments made under the Workers' Compensation Act or the Workers' Occupational Diseases Act.

If such amounts are not readily determinable or if an employee has not received temporary total disability payments or permanent weekly or monthly payments for the entire period of disability up to the time of the compensation, payment, or award under the Workers' Compensation Act or the Workers' Occupational Diseases Act, the disability benefit paid by the Fund shall be offset by 66 2/3% of the employee's salary on the date of disablement. The offset shall not be greater than the amount of disability benefits due from the Fund. The offset shall be applied until a period of time has elapsed when the benefit payable equals the amount of such compensation, payment, or award. This offset shall not apply to the initial days of disability when workers' compensation would not ordinarily be payable.

The amount of compensation or supplemental annuity payable to a widow shall be offset by any compensation, payment, or award until a period of time has elapsed when the benefit payable equals the amount of such compensation, payment, or award.

Any employee or former employee whose disability benefits were offset, or who was notified by the Fund that his or her disability benefits will be offset, by a rate higher than the temporary total disability payments or permanent disability payments, or if these were not determinable, by 66 2/3% of salary at

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the date of disablement, may apply to the Fund for a refund of the excess offset, without interest, or an adjustment to his or her account. This application must be made within 6 months after the effective date of this amendatory Act of the 95th General Assembly.

If an employee who has been disabled has received ordinary disability from the Fund and also receives any compensation or payment for specific loss, disability, or death under the Workers' Compensation Act or the Workers' Occupational Diseases Act, then the ordinary disability benefit must be repaid to the Fund before any other benefit under this Article may be granted or paid. If no other benefit is applied for, then the ordinary disability is offset according to the provisions of this Section.

The employee and the employer shall provide the Fund, on a timely basis, with the entry of the settlement contract lump sum petition and order settlement of any such lawsuit, including all details of the settlement.

If an employee who shall be disabled or his widow receives any compensation or payment from the city for specific loss, disability or death under the Workers' Compensation Act, or Workers' Occupational Diseases Act, the disability benefit or compensation or supplemental annuity payable as a result of such specific loss, disability or death shall be reduced by any amount so received if such amount is less than the benefit or annuity or, subject to adjustment when final determination of the amount received can be made, the amount estimated to be received under the provisions of the Workers' Compensation Act or Workers' Occupational Diseases Act. If the amount received as compensation payment or award under the aforesaid Acts exceeds the disability benefit or compensation or supplemental annuity payable as a result of such specific loss, disability or death, no payment of disability benefit or compensation or supplemental annuity shall be made until a period of time has elapsed when the benefit or compensation or supplemental annuity payable at the rate herein stated equals the amount of such compensation, payment or award. In calculating any such period of time, interest upon the amounts involved shall not be considered.

(d) An employee who enters service after December 31, 1987, or an employee who makes application for a disability benefit or applies for a disability benefit for a recurrence of a previous disability, and who, while in receipt of an ordinary or duty disability benefit, assumes any employment for compensation, shall not be entitled to receive any amount of such disability benefit which, when added to his compensation for such employment during disability, plus any amount payable under the provisions of the Workers' Compensation Act or Workers' Occupational Diseases Act, would exceed the rate of salary on which his disability benefit is based.

(Source: P.A. 85-964."); and

by replacing line 12 on page 29 through line 6 on page 33 with the following:

"(40 ILCS 5/11-158) (from Ch. 108 1/2, par. 11-158)

Sec. 11-158. When disability benefit not payable.

(a) If an employee receiving duty or ordinary disability benefit refuses to submit to examination by a physician appointed by the board, or fails or refuses to consent to and sign an authorization allowing the board to receive copies of or examine the employee's medical and hospital records, or fails or refuses to provide complete information regarding any other employment for compensation he has received since he has become disabled, he shall have no further right to receive the benefit.

(b) Disability benefit shall not be paid for any time for which the employee receives any part of his salary or while employed by any public body supported in whole or in part by taxation.

(c) Before any action is taken by the Board on an application for a duty disability benefit or a widow's compensation or supplemental benefit, the employee or widow shall file a claim with the employer to establish that the disability or death occurred while the employee was acting within the scope of and in the course of his or her duties.

Any amounts provided to the employee or surviving spouse as temporary total disability payments, permanent total disability payments, a lump sum settlement award, or other payment under the Workers' Compensation Act or the Workers' Occupational Diseases Act shall be applied as an offset to the disability benefit paid by the Fund, whether duty or ordinary, or any widow compensation or supplemental benefit payable under this Article until a period of time has elapsed when the benefit payable equals the amount of such compensation, payment, or award. The duty disability benefit shall be offset at the rate of the amount of temporary total disability payments or permanent disability payments made under the Workers' Compensation Act or the Workers' Occupational Diseases Act.

If such amounts are not readily determinable or if an employee has not received temporary total disability payments or permanent weekly or monthly payments for the entire period of disability up to the time of the compensation, payment, or award under the Workers' Compensation Act or the Workers' Occupational Diseases Act, the disability benefit paid by the Fund shall be offset by 66 2/3% of the

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employee's salary on the date of disablement. The offset shall not be greater than the amount of disability benefits due from the Fund. The offset shall be applied until a period of time has elapsed when the benefit payable equals the amount of such compensation, payment, or award. This offset shall not apply to the initial days of disability when workers' compensation would not ordinarily be payable.

The amount of compensation or supplemental annuity payable to a widow shall be offset by any compensation, payment, or award until a period of time has elapsed when the benefit payable equals the amount of such compensation, payment, or award.

If an employee who has been disabled has received ordinary disability from the Fund and also receives any compensation or payment for specific loss, disability, or death under the Workers' Compensation Act or the Workers' Occupational Diseases Act, then the ordinary disability benefit must be repaid to the Fund before any other benefit under this Article may be granted or paid. If no other benefit is applied for, then the ordinary disability is offset according to the provisions of this Section.

The employee and the employer shall provide the Fund, on a timely basis, with the entry of the settlement contract lump sum petition and order settlement of any such lawsuit, including all details of the settlement.

If an employee who shall be disabled or his widow receives any compensation or payment from the city for specific loss, disability or death under the Workers' Compensation Act, or Workers' Occupational Diseases Act, and the disability or injury or loss which forms the basis for any compensation, award, pension or payment for a specific loss is also a condition which renders such employee incapable of performing his duties in the service, the disability benefit shall be reduced by any amount so received if such amount is less than the benefit or, subject to adjustment when final determination of the amount received can be made, the amount estimated to be received under the provisions of the Workers' Compensation Act or Workers' Occupational Diseases Act. If the amount received as compensation, payment or award under the aforesaid Acts exceeds the disability benefit, no payment of benefit shall be made until a period of time has elapsed when the benefit payable at the rate herein stated equals the amount of such compensation, payment or award. In calculating any such period of time, interest upon the amounts involved shall not be considered.

(d) An employee who enters service after December 31, 1987, or an employee who makes application for a disability benefit or applies for a disability benefit for a recurrence of a previous disability, and who, while in receipt of an ordinary or duty disability benefit, assumes any employment for compensation, shall not be entitled to receive any amount of such disability benefit which, when added to his compensation for such employment during disability, plus any amount payable under the provisions of the Workers' Compensation Act or Workers' Occupational Diseases Act, would exceed the rate of salary on which his disability benefit is based.

(Source: P.A. 85-964.)"

#### **AMENDMENT NO. 4 TO SENATE BILL 2520**

AMENDMENT NO. 4. Amend Senate Bill 2520, AS AMENDED, with reference to page and line numbers if House Amendment No. 1, on page 1, line 9, after "5-214.2", by inserting ", 6-151.2,"; and

on page 18, immediately below line 4, by inserting the following:

"Section 5. The Illinois Pension Code is amended by adding Section 6-151.2 as follows:  
(40 ILCS 5/6-151.2 new)

Sec. 6-151.2. Disability benefits; terminally ill. Notwithstanding any other provision of Sections 6-151, 6-151.1, and 6-154, an active fireman who is certified to be terminally ill by a Board-appointed physician may, upon such certification, make application with the Board for a determination that the participant is eligible to receive a disability benefit, even though, at the time, the participant has the right to receive salary. However, an active fireman may not receive any such disability benefit payments at the same time the participant receives salary."

Under the rules, the foregoing **Senate Bill No. 2520**, with House Amendments numbered 1, 3 and 4, was referred to the Secretary's Desk.

A message from the House by  
Mr. Mahoney, Clerk:

[July 10, 2008]

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2636

A bill for AN ACT concerning property.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 3 to SENATE BILL NO. 2636

Passed the House, as amended, May 31, 2008.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 3 TO SENATE BILL 2636**

AMENDMENT NO. 3. Amend Senate Bill 2636 by replacing everything after the enacting clause with the following:

"Section 5. The Uniform Disposition of Unclaimed Property Act is amended by changing Section 20 as follows:

(765 ILCS 1025/20) (from Ch. 141, par. 120)

Sec. 20. Determination of claims.

(a) The State Treasurer shall consider any claim filed under this Act and may, in his discretion, hold a hearing and receive evidence concerning it. Such hearing shall be conducted by the State Treasurer or by a hearing officer designated by him. No hearings shall be held if the payment of the claim is ordered by a court, if the claimant is under court jurisdiction, or if the claim is paid under Article XXV of the Probate Act of 1975. The State Treasurer or hearing officer shall prepare a finding and a decision in writing on each hearing, stating the substance of any evidence heard by him, his findings of fact in respect thereto, and the reasons for his decision. The State Treasurer shall review the findings and decision of each hearing conducted by a hearing officer and issue a final written decision. The final decision shall be a public record. Any claim of an interest in property that is filed pursuant to this Act shall be considered and a finding and decision shall be issued by the Office of the State Treasurer in a timely and expeditious manner.

(b) If the claim is allowed, and after deducting an amount not to exceed \$20 to cover the cost of notice publication and related clerical expenses, the State Treasurer shall make payment forthwith.

(c) In order to carry out the purpose of this Act, no person or company shall be entitled to a fee for discovering presumptively abandoned property until it has been in the custody of the Unclaimed Property Division of the Office of the State Treasurer for at least 24 months. Fees for discovering property that has been in the custody of that division for more than 24 months shall be limited to not more than 10% of the amount collected.

(d) A person or company attempting to collect a contingent fee for discovering, on behalf of an owner, presumptively abandoned property must be licensed as a private detective pursuant to the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

(e) This Section shall not apply to the fees of an attorney at law duly appointed to practice in a state of the United States who is employed by a claimant with regard to probate matters on a contractual basis.

(f) Any person or company offering to identify, discover, or collect presumptively abandoned property or property which may become presumptively abandoned on behalf of the putative owner of such property in exchange for a fee, must provide the owner with a written disclosure. The disclosure shall be set forth in a clear and conspicuous manner and at a minimum shall state the following:

Each state maintains an office of unclaimed property. Generally, if for a number of years an owner of property has not communicated directly with the holder of the property, and has not otherwise indicated an interest in or claimed the property, the property will be delivered to a state administered unclaimed property program. Upon such delivery, the owner will be able to recover the property from the state administered program without charge by the state. The unclaimed asset referred to in this Agreement has not yet been reported or remitted to any state unclaimed property office. Since you reside (or resided) in Illinois, you may obtain information about the Illinois unclaimed property program by logging onto its website at [www.treasurer.il.gov](http://www.treasurer.il.gov).

A person or company may not charge a fee greater than 25% of the property's value for the recovery of that property where the property is not yet reportable under this Act and the designated owner of that property, as reflected within the books and records of the holder, is living.

A person or company may not charge a fee greater than 33% of the property's value for the recovery of that property where the property is not yet reportable under this Act and the recovery of that property

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involves documentation of the owner's death or any elements of estate or trust administration.  
(Source: P.A. 95-613, eff. 9-11-07.)".

Under the rules, the foregoing **Senate Bill No. 2636**, with House Amendment No. 3, was referred to the Secretary's Desk.

A message from the House by  
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 4305

A bill for AN ACT concerning sex offenders.  
Passed the House, May 31, 2008.

MARK MAHONEY, Clerk of the House

The foregoing **House Bill No. 4305** was taken up, ordered printed and placed on first reading.

A message from the House by  
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 5730

A bill for AN ACT concerning local government.  
Passed the House, May 31, 2008.

MARK MAHONEY, Clerk of the House

The foregoing **House Bill No. 5730** was taken up, ordered printed and placed on first reading.

A message from the House by  
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 230

A bill for AN ACT concerning imprisonment.  
Which amendment is as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 230  
Senate Amendment No. 2 to HOUSE BILL NO. 230  
Concurred in by the House, May 31, 2008.

MARK MAHONEY, Clerk of the House

A message from the House by  
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 5088

A bill for AN ACT concerning public employee benefits.  
Which amendment is as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 5088  
Senate Amendment No. 2 to HOUSE BILL NO. 5088  
Concurred in by the House, May 31, 2008.

[July 10, 2008]

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 5215

A bill for AN ACT making appropriations.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 5215

Senate Amendment No. 2 to HOUSE BILL NO. 5215

Senate Amendment No. 3 to HOUSE BILL NO. 5215

Concurred in by the House, May 31, 2008.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 5701

A bill for AN ACT concerning appropriations.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 5701

Senate Amendment No. 2 to HOUSE BILL NO. 5701

Concurred in by the House, May 31, 2008.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to the following joint resolution, to-wit:

**HOUSE JOINT RESOLUTION NO. 78**

Senate Amendment No. 1

Action taken by the House, May 31, 2008.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

**SENATE JOINT RESOLUTION NO. 105**

Concurred in by the House, May 31, 2008.

MARK MAHONEY, Clerk of the House

#### MESSAGE FROM THE GOVERNOR

Message for the Governor by Larry O'Brien  
Acting Deputy Chief of Staff for Legislative Affairs

[July 10, 2008]



May 15, 2008 (corrected)

Mr. President,

The Governor directs me to lay before the Senate the following Message:

STATE OF ILLINOIS  
EXECUTIVE DEPARTMENT

To the Honorable  
Members of the Senate  
Ninety-Fifth General Assembly

I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable body.

s/Rod Blagojevich  
Governor

**EDUCATIONAL LABOR RELATIONS BOARD**

To be a member of the Educational Labor Relations Board for a term commencing June 2, 2008 and ending July 1, 2014:

Ronald F. Ettinger  
Salaried

**CARNIVAL AMUSEMENT SAFETY BOARD**

To be a member of the Carnival Amusement Safety Board for a term commencing May 12, 2008 and ending January 17, 2011:

Anthony J. Urbik  
Non-salaried

**EASTERN ILLINOIS UNIVERSITY BOARD OF TRUSTEES**

To be a member of the Eastern Illinois University Board of Trustees for a term commencing May 12, 2008 and ending January 21, 2013:

Leo Welch  
Non-salaried

**EDUCATION, ILLINOIS STATE BOARD OF**

To be a member of the Illinois State Board of Education for a term commencing May 12, 2008 and ending January 12, 2011:

Lanita J. Koster  
Non-salaried

**LABOR ADVISORY BOARD, DEPARTMENT OF**

To be a member of the Department of Labor Advisory Board for a term commencing May 12, 2008 and ending January 18, 2010:

John F. Penn  
Non-salaried

[July 10, 2008]

The foregoing Message from the Governor was referred to the Committee on Executive Appointments.

At the hour of 11:00 o'clock a.m., Senator Halvorson, presiding.

**MESSAGES FROM THE ATTORNEY GENERAL**

**OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS**

May 23, 2008

Honorable Members  
Illinois State Senate  
95<sup>th</sup> General Assembly  
Springfield, Illinois 62706

Dear Members:

I am nominating Diane Saltoun for appointment as the Executive Inspector General for the Office of the Illinois Attorney General.

I respectfully ask concurrence in and confirmation of this appointment by your Honorable Body:

EXECUTIVE INSPECTOR GENERAL – OFFICE OF ILLINOIS ATTORNEY GENERAL

To the office of Executive Inspector General for the Office of the Illinois Attorney General for a term ending June 30, 2012.

Diane L. Saltoun  
(salaried)

If you have any questions please contact me at (217) 782-9000 or (312) 814-3000, or Kathryn Saltmarsh, Legislative Director, at (217) 782-9054. Thank you for your consideration.

Very truly yours,  
s/Lisa Madigan  
ATTORNEY GENERAL

**OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS**

May 23, 2008

Honorable Members  
Illinois State Senate  
95<sup>th</sup> General Assembly  
Springfield, Illinois 62706

Dear Members:

I am nominating Shawn W. Denney for appointment as the Executive Ethics Commission on behalf of the Office of the Illinois Attorney General.

I respectfully ask concurrence in and confirmation of this appointment by your Honorable Body:

[July 10, 2008]

EXECUTIVE ETHICS COMMISSION MEMBER

To be a member of the Executive Ethics Commission for a term ending June 30, 2012.

Shawn W. Denney  
(salaried)

If you have any questions please contact me at (217) 782-9000 or (312) 814-3000, or Kathryn Saltmarsh, Legislative Director, at (217) 782-9054. Thank you for your consideration.

Very truly yours,  
s/Lisa Madigan  
ATTORNEY GENERAL

The foregoing Messages from the Attorney General were referred to the Committee on Executive Appointments.

Senator Risinger asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

At the hour of 11:13 o'clock a.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

**AFTER RECESS**

At the hour of 12:17 o'clock p.m., the Senate resumed consideration of business.  
Senator Halvorson, presiding.

**LEGISLATIVE MEASURES FILED**

The following Floor amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Senate Floor Amendment No. 1 to House Bill 415  
Senate Floor Amendment No. 2 to House Bill 5585

**JOINT ACTION MOTIONS FILED**

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 2287  
Motion to Concur in House Amendment 2 to Senate Bill 2313  
Motion to Concur in House Amendments 1 and 2 to Senate Bill 2558  
Motion to Concur with House Amendment 3 to Senate Bill 2636

**REPORTS FROM RULES COMMITTEE**

Senator DeLeo, Chairperson of the Committee on Rules, to which was referred **Senate Bills Numbered 2198, 2287, 2293, 2294, 2313, 2349, 2400, 2476, 2558, 2687, 2690, 2718, 2855 and 2877** on July 1, 2008, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

[July 10, 2008]

And **Senate Bills Numbered 2198, 2287, 2293, 2294, 2313, 2349, 2400, 2476, 2558, 2687, 2690, 2718, 2855 and 2877** were returned to the order of third reading.

Senator DeLeo, Chairperson of the Committee on Rules, to which was referred **House Bill No. 5585** on July 1, 2008, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **House Bill No. 5585** was returned to the order of third reading.

Senator DeLeo, Chairperson of the Committee on Rules, to which was referred **House Bill No. 415** on December 3, 2007, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **House Bill No. 415** was returned to the order of third reading.

Senator DeLeo, Chairperson of the Committee on Rules, during its July 10, 2008 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Floor Amendment No. 1 to House Bill 415; Senate Floor Amendment No. 2 to House Bill 5585.**

Senator DeLeo, Chairperson of the Committee on Rules, during its July 10, 2008 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Executive: **Motion to Concur in House Amendments 1 and 2 to Senate Bill 2400**

Judiciary Criminal Law: **Motion to Concur in House Amendment 1 to Senate Bill 2198  
Motion to Concur in House Amendment 1 to Senate Bill 2287  
Motion to Concur in House Amendment 1 to Senate Bill 2294  
Motion to Concur in House Amendment 1 to Senate Bill 2349  
Motion to Concur in House Amendment 1 to Senate Bill 2476  
Motion to Concur in House Amendment 1 to Senate Bill 2718  
Motion to Concur in House Amendment 1 to Senate Bill 2855**

State Government & Veterans Affairs: **Motion to Concur in House Amendment 1 to Senate Bill 2293  
Motion to Concur in House Amendment 2 to Senate Bill 2313  
Motion to Concur in House Amendments 1 and 2 to Senate Bill 2558  
Motion to Concur in House Amendment 3 to Senate Bill 2636  
Motion to Concur in House Amendment 1 to Senate Bill 2687  
Motion to Concur in House Amendment 1 to Senate Bill 2690  
Motion to Concur in House Amendment 1 to Senate Bill 2877**

#### COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced the following committees to meet this afternoon:

Judiciary Criminal Law, Room 400, at 1:30 o'clock p.m.

Executive, Room 212, at 2:00 o'clock p.m.

State Government and Veterans Affairs, Room 409, at 2:00 o'clock p.m.

At the hour of 12:30 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

**AFTER RECESS**

[July 10, 2008]

At the hour of 2:55 o'clock p.m., the Senate resumed consideration of business.  
 Senator Link, presiding.

### REPORTS FROM STANDING COMMITTEES

Senator Wilhelmi, Chairperson of the Committee on Judiciary Criminal Law, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 2198; Motion to Concur in House Amendment 1 to Senate Bill 2287; Motion to Concur in House Amendment 1 to Senate Bill 2294; Motion to Concur in House Amendment 1 to Senate Bill 2349; Motion to Concur in House Amendment 1 to Senate Bill 2476; Motion to Concur in House Amendment 1 to Senate Bill 2718; Motion to Concur in House Amendment 1 to Senate Bill 2855

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Halvorson, Vice-Chairperson of the Committee on Executive, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to House Bill 415  
 Senate Amendment No. 2 to House Bill 5585

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Halvorson, Chairperson of the Committee on Executive, to which was referred the Motions to Concur with House Amendments to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendments 1 and 2 to Senate Bill 2400

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Demuzio, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 2293; Motion to Concur in House Amendment 2 to Senate Bill 2313; Motion to Concur in House Amendments 1 and 2 to Senate Bill 2558; Motion to Concur in House Amendment 3 to Senate Bill 2636; Motion to Concur in House Amendment 1 to Senate Bill 2687; Motion to Concur in House Amendment 1 to Senate Bill 2690; Motion to Concur in House Amendment 1 to Senate Bill 2877

Under the rules, the foregoing motions are eligible for consideration by the Senate.

### MESSAGE FROM THE HOUSE

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A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1130

A bill for AN ACT concerning appropriations.

[July 10, 2008]

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1130

House Amendment No. 2 to SENATE BILL NO. 1130

House Amendment No. 4 to SENATE BILL NO. 1130

Passed the House, as amended, July 10, 2008.

MARK MAHONEY, Clerk of the House

**AMENDMENT 1 TO SENATE BILL 1130**

AMENDMENT NO.1 Amend Senate Bill 1130 by replacing everything after the enacting clause with the following:

“Section 5. The amount of \$2, or so much of that amount as may be necessary, is appropriated from the General Revenue Fund to the Department of Employment Security for its ordinary and contingent expenses.

Section 99. Effective date. This Act takes effect July 1, 2008.”

**AMENDMENT 2 TO SENATE BILL 1130**

AMENDMENT NO.2 Amend Senate Bill 1130 by replacing everything after the enacting clause with the following:

“Section 5. The sum of \$205,475, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for replacement of water and sewer service to various buildings at the Illinois State Fairgrounds, Springfield.

Section 10. The sum of \$311,815, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for an airlock addition to Metrology (Weights & Measures) Lab at the Illinois State Fairgrounds, Springfield.

Section 15. The sum of \$104,000, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board to upgrade the snow melt system at the Attorney General Building, Springfield.

Section 20. The sum of \$2,600,000, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board to upgrade HVAC and domestic water system at the Michael A. Bilandic Building, Chicago.

Section 25. The sum of \$57,066, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for emergency cooling tower replacement at the Springfield Regional Office Building, 4500 S. Sixth Street Road, Springfield.

Section 30. The sum of \$805,900, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board to renovate for office space the Suburban North Regional Office Facility, Des Plaines.

Section 35. The sum of \$244,788, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board to repair and replace roofing systems at Dwight Correctional Center.

Section 40. The sum of \$118,929, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board to replace roofing systems at Sheridan Correctional Center.

Section 45. The sum of \$577,757, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board to replace roofing systems at Vandalia Correctional Center.

Section 50. The sum of \$663,720, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for emergency roof replacement on various buildings at Vienna Correctional Center.

Section 55. The sum of \$1,402,428, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for Effingham District 12 Firing Range, State Police.

Section 60. The sum of \$278,491, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board to renovate a retaining wall and two shelters at Black Hawk State Historic Site, Rock Island.

Section 65. The sum of \$215,627, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board to create a new

[July 10, 2008]

entrance around existing bronze artwork doors at Cahokia Mounds State Historic Site, Collinsville.

Section 70. The sum of \$275,496, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board to upgrade a high voltage monitoring system at the State Capitol complex, Springfield.

Section 75. The sum of \$1,070,000, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board to upgrade electrical systems at Driver Services Facilities, North, South and West, Chicago.

Section 80. The sum of \$252,782, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for renovation and improvement of pedestrian traffic flow at Chicago West Driver Services Facility.

Section 85. The sum of \$2,300,000, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board to replace a chimney stack and ash handling system at Quincy Veterans' Home.

Section 90. The sum of \$9,207, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for design services to replace a septic system at Buffalo Rock State Park, LaSalle County.

Section 95. The sum of \$400,000, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board to replace yellow-head marshy dam culverts at Moraine Hills State Park, McHenry County.

Section 100. The sum of \$63,279, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for design services to replace a lodge pool dehumidifier at Pere Marquette State Park, Jersey County.

Section 105. The sum of \$621,000, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for emergency replacement of a sewage treatment plant at Pere Marquette State Park, Jersey County.

Section 110. The sum of \$550,000, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board to replace Cox Bridge at Carlyle State Fish & Wildlife Area, Fayette County.

Section 115. The sum of \$44,584, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for design services to replace dump and fish cleaning stations at Stephen A. Forbes State Park, Marion County.

Section 120. The sum of \$3,100,000, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board to rehabilitate the interior and exterior at Dana-Thomas House State Historic Site, Springfield.

Section 125. The sum of \$9,170, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for design services for emergency roof repairs at David Davis Mansion State Historic Site, Bloomington.

Section 130. The sum of \$280,000, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board to replace a sewer system at Lincoln Log Cabin State Historic Site, Coles County.

Section 135. The sum of \$54,886, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for design services to replace a domestic hot water heater at Illinois River Correctional Center, Canton.

Section 140. The sum of \$27,195, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for design services to replace operators and main gates at Taylorville Correctional Center.

Section 145. The sum of \$350,000, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board to upgrade a sewage treatment plant at Hardin County Work Camp.

Section 150. The sum of \$68,241, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for design services for emergency parapet wall repairs at Kenneth Hall Regional Office Building, East St. Louis.

Section 155. The sum of \$3,150,000, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for Medical Center (Edwards Center), Chicago.

Section 160. The sum of \$64,160, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for design services to renovate Unit J-East for forensic use at Chicago-Read Mental Health Center.

Section 165. The sum of \$171,572, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for design services to convert Read Building for office space at Elgin Mental Health Center.

Section 170. The sum of \$25,200, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for emergency roof repairs at Lincoln-Herndon Law Offices State Historic Site, Springfield.

Section 175. The sum of \$6,650,000, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board to upgrade a power plant at Logan Correctional Center, Lincoln.

Section 180. The sum of \$453,000, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board to upgrade a sewage treatment plant at Centralia Correctional Center.

Section 185. The sum of \$372,000, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board to replace an emergency generator at Collinsville Regional Office Complex.

Section 190. The sum of \$250,000, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for emergency roof and interior and exterior repairs at Ullin District 22, State Police.

Section 195. The sum of \$2,180,000, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board to upgrade a firing range at DuQuoin District 13, State Police.

Section 200. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Bond Fund to the Capital Development Board for the following purposes:

	Department of Agriculture	
	DuQuoin State Fair Grounds	
For Emergency Roof Replacement .....		90,000
	Illinois State Fair Grounds – Springfield	
For Asbestos Abatement .....		85,000
	Department of Natural Resources	
	I & M Canal State Park	
For Replacing Lock 14 Bridge .....		425,000
	I & M Canal Channahon	
For Improving the DuPage River Spillway .....		930,000
	Wildlife Prairie Park	
For Upgrading Sewage Treatment Plant .....		1,032,000
	Department of Corrections	
	Hardin County Work Camp	
For Emergency Kitchen Repairs .....		177,000
	Department of Central Management Services – Statewide	
For Renovating State-Owned Space		
For Office Use .....		1,847,310
	Department of Human Services	
	Choate Mental Health & Developmental Center – Anna	
For Renovating Sycamore.....		4,385,000
For Emergency Boiler Control		
Replacement .....		22,200
	Illinois School for the Visually Impaired – Jacksonville	
For Renovating the Power House.....		2,088,000
	Capital Development Board – Statewide	
For Emergency Repairs and Hazardous		
Material Abatement at State-Owned		
Facilities, State Universities, and		
Community Colleges .....		15,000,000

Section 999. This Act takes effect immediately upon becoming law.”.

**AMENDMENT 4 TO SENATE BILL 1130**

AMENDMENT NO.4 Amend Senate Bill 1130, AS AMENDED, replacing everything after the enacting clause with the following:

[July 10, 2008]



“Section 5. The sum of \$205,475, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for replacement of water and sewer service to various buildings at the Illinois State Fairgrounds, Springfield.

Section 10. The sum of \$311,815, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for an airlock addition to Metrology (Weights & Measures) Lab at the Illinois State Fairgrounds, Springfield.

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appropriated from the Capital Development Fund to the Capital Development Board for design services to replace a lodge pool dehumidifier at Pere Marquette State Park, Jersey County.

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Section 115. The sum of \$44,584, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for design services to replace dump and fish cleaning stations at Stephen A. Forbes State Park, Marion County.

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Section 130. The sum of \$280,000, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board to replace a sewer system at Lincoln Log Cabin State Historic Site, Coles County.

Section 135. The sum of \$54,886, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for design services to replace a domestic hot water heater at Illinois River Correctional Center, Canton.

Section 140. The sum of \$27,195, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for design services to replace operators and main gates at Taylorville Correctional Center.

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Section 150. The sum of \$68,241, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for design services for emergency parapet wall repairs at Kenneth Hall Regional Office Building, East St. Louis.

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Section 160. The sum of \$64,160, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for design services to renovate Unit J-East for forensic use at Chicago-Read Mental Health Center.

Section 165. The sum of \$171,572, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for design services to convert Read Building for office space at Elgin Mental Health Center.

Section 170. The sum of \$25,200, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for emergency roof repairs at Lincoln-Herndon Law Offices State Historic Site, Springfield.

Section 175. The sum of \$6,650,000, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board to upgrade a power plant at Logan Correctional Center, Lincoln.

Section 180. The sum of \$453,000, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board to upgrade a sewage treatment plant at Centralia Correctional Center.

Section 185. The sum of \$372,000, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board to replace an emergency generator at Collinsville Regional Office Complex.

Section 190. The sum of \$250,000, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for emergency roof and interior and exterior repairs at Ullin District 22, State Police.

Section 195. The sum of \$2,180,000, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board to upgrade a

firing range at DuQuoin District 13, State Police.

Section 200. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Bond Fund to the Capital Development Board for the following purposes:

Department of Agriculture DuQuoin State Fair Grounds	
For Emergency Roof Replacement .....	90,000
Illinois State Fair Grounds – Springfield	
For Asbestos Abatement .....	85,000
Department of Natural Resources I & M Canal State Park	
For Replacing Lock 14 Bridge .....	425,000
I & M Canal Channahon	
For Improving the DuPage River Spillway .....	930,000
Wildlife Prairie Park	
For Upgrading Sewage Treatment Plant .....	1,032,000
Department of Corrections Hardin County Work Camp	
For Emergency Kitchen Repairs .....	177,000
Department of Central Management Services – Statewide	
For renovation of State-owned property at the following locations: Kenneth Hall Regional Office Building, AIG (Franklin Complex) Building, James R. Thompson Center, Sangamo Complex (IEPA), Champaign Regional Office Building (IEPA), Springfield Regional Office Building, Natural Resource Center (DNR) and Read -Building (Elgin Mental Health Center) .....	1,847,310
Department of Human Services Choate Mental Health & Developmental Center – Anna	
For Renovating Sycamore .....	4,385,000
For Emergency Boiler Control Replacement .....	22,200
Illinois School for the Visually Impaired – Jacksonville	
For Renovating the Power House .....	2,088,000
Capital Development Board – Statewide	
For Emergency Repairs and Hazardous Material Abatement at State-Owned Facilities, State Universities, and Community Colleges .....	15,000,000

Section 999. This Act takes effect immediately after becoming law.”.

Under the rules, the foregoing **Senate Bill No. 1130**, with House Amendments numbered 1, 2 and 4, was referred to the Secretary’s Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

#### HOUSE JOINT RESOLUTION NO. 130

WHEREAS, The members of the Illinois General Assembly take pride in honoring those who dedicate themselves to the preservation of American values; and

[July 10, 2008]

WHEREAS, The freedoms that we enjoy today as United States citizens are the result of the dedication and sacrifices of United States Armed Forces veterans of all wars and conflicts; and

WHEREAS, The Illinois General Assembly wishes to continue its support for these brave men and women through the naming of a portion of Illinois Route 150 in a way that honors our veterans; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the section of Illinois Route 150 from Turkeyfarm Road (CR200E) through the Village of Mahomet to Prairieview Road (CR520E) be designated as Veterans Parkway in honor of the great sacrifices that our veterans have made for our nation; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name of Veterans Parkway; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Secretary of the Illinois Department of Transportation, the Champaign County Board, and the Mahomet Village Board of Trustees.

Adopted by the House, May 31, 2008.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 130 was referred to the Committee on Rules.

#### **JOINT ACTION MOTION FILED**

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendments 1, 2 and 4 to Senate Bill 1130

#### **REPORT FROM RULES COMMITTEE**

Senator DeLeo, Chairperson of the Committee on Rules, reported that the following Legislative Measure has been approved for consideration:

#### **Motion to Concur with House Amendments 1, 2 and 4 to Senate Bill 1130**

The foregoing concurrence was placed on the Secretary's Desk.

#### **HOUSE BILL RECALLED**

On motion of Senator DeLeo, **House Bill No. 415** was recalled from the order of third reading to the order of second reading.

Senator DeLeo offered the following amendment and moved its adoption:

#### **AMENDMENT NO. 1 TO HOUSE BILL 415**

AMENDMENT NO. 1. Amend House Bill 415 by replacing everything after the enacting clause with the following:

"Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 6.11 [July 10, 2008]

as follows:

(5 ILCS 375/6.11)

Sec. 6.11. Required health benefits; Illinois Insurance Code requirements. The program of health benefits shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t of the Illinois Insurance Code. The program of health benefits shall provide the coverage required under Sections 356g.5, 356u, 356w, 356x, 356z.2, 356z.4, 356z.6, ~~and 356z.9, 356z.10, and 356z.11~~ 356z.9 of the Illinois Insurance Code. The program of health benefits must comply with Section 155.37 of the Illinois Insurance Code.

(Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; revised 12-4-07.)

Section 10. The Counties Code is amended by changing Section 5-1069.3 as follows:

(55 ILCS 5/5-1069.3)

Sec. 5-1069.3. Required health benefits. If a county, including a home rule county, is a self-insurer for purposes of providing health insurance coverage for its employees, the coverage shall include coverage for the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g.5, 356u, 356w, 356x, 356z.6, ~~and 356z.9, 356z.10, and 356z.11~~ 356z.9 of the Illinois Insurance Code. The requirement that health benefits be covered as provided in this Section is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution. A home rule county to which this Section applies must comply with every provision of this Section.

(Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; revised 12-4-07.)

Section 15. The Illinois Municipal Code is amended by changing Section 10-4-2.3 as follows:

(65 ILCS 5/10-4-2.3)

Sec. 10-4-2.3. Required health benefits. If a municipality, including a home rule municipality, is a self-insurer for purposes of providing health insurance coverage for its employees, the coverage shall include coverage for the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g.5, 356u, 356w, 356x, 356z.6, ~~and 356z.9, 356z.10, and 356z.11~~ 356z.9 of the Illinois Insurance Code. The requirement that health benefits be covered as provided in this is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution. A home rule municipality to which this Section applies must comply with every provision of this Section.

(Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; revised 12-4-07.)

Section 20. The School Code is amended by changing Section 10-22.3f as follows:

(105 ILCS 5/10-22.3f)

Sec. 10-22.3f. Required health benefits. Insurance protection and benefits for employees shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g.5, 356u, 356w, 356x, 356z.6, ~~and 356z.9, and 356z.11~~ of the Illinois Insurance Code.

(Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07; revised 12-4-07.)

Section 25. The Illinois Insurance Code is amended by adding Section 356z.11 as follows:

(215 ILCS 5/356z.11 new)

Sec. 356z.11. Autism spectrum disorders.

(a) A group or individual policy of accident and health insurance or managed care plan amended, delivered, issued, or renewed after the effective date of this amendatory Act of the 95th General Assembly must provide individuals under 21 years of age coverage for the diagnosis of autism spectrum disorders and for the treatment of autism spectrum disorders to the extent that the diagnosis and treatment of autism spectrum disorders are not already covered by the policy of accident and health insurance or managed care plan.

(b) Coverage provided under this Section shall be subject to a maximum benefit of \$36,000 per year, but shall not be subject to any limits on the number of visits to a service provider. After December 30, 2009, the Director of the Division of Insurance shall, on an annual basis, adjust the maximum benefit for inflation using the Medical Care Component of the United States Department of Labor Consumer Price Index for All Urban Consumers. Payments made by an insurer on behalf of a covered individual for any care, treatment, intervention, service, or item, the provision of which was for the treatment of a health condition not diagnosed as an autism spectrum disorder, shall not be applied toward any maximum benefit established under this subsection.

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(c) Coverage under this Section shall be subject to co-payment, deductible, and coinsurance provisions of a policy of accident and health insurance or managed care plan to the extent that other medical services covered by the policy of accident and health insurance or managed care plan are subject to these provisions.

(d) This Section shall not be construed as limiting benefits that are otherwise available to an individual under a policy of accident and health insurance or managed care plan and benefits provided under this Section may not be subject to dollar limits, deductibles, copayments, or coinsurance provisions that are less favorable to the insured than the dollar limits, deductibles, or coinsurance provisions that apply to physical illness generally.

(e) An insurer may not deny or refuse to provide otherwise covered services, or refuse to renew, refuse to reissue, or otherwise terminate or restrict coverage under an individual contract to provide services to an individual because the individual or their dependent is diagnosed with an autism spectrum disorder or due to the individual utilizing benefits in this Section.

(f) Upon request of the reimbursing insurer, a provider of treatment for autism spectrum disorders shall furnish medical records, clinical notes, or other necessary data that substantiate that initial or continued medical treatment is medically necessary and is resulting in improved clinical status. When treatment is anticipated to require continued services to achieve demonstrable progress, the insurer may request a treatment plan consisting of diagnosis, proposed treatment by type, frequency, anticipated duration of treatment, the anticipated outcomes stated as goals, and the frequency by which the treatment plan will be updated.

(g) When making a determination of medical necessity for a treatment modality for autism spectrum disorders, an insurer must make the determination in a manner that is consistent with the manner used to make that determination with respect to other diseases or illnesses covered under the policy, including an appeals process. During the appeals process, any challenge to medical necessity must be viewed as reasonable only if the review includes a physician with expertise in the most current and effective treatment modalities for autism spectrum disorders.

(h) Coverage for medically necessary early intervention services must be delivered by certified early intervention specialists, as defined in the early intervention operational standards by the Department of Human Services and in accordance with applicable certification requirements.

(i) As used in this Section:

"Autism spectrum disorders" means pervasive developmental disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, including autism, Asperger's disorder, and pervasive developmental disorder not otherwise specified.

"Diagnosis of autism spectrum disorders" means a diagnosis of an individual with an autism spectrum disorder by (A) a physician licensed to practice medicine in all its branches or (B) a licensed clinical psychologist with expertise in diagnosing autism spectrum disorders.

"Medically necessary" means any care, treatment, intervention, service or item which will or is reasonably expected to do any of the following: (i) prevent the onset of an illness, condition, injury, disease or disability; (ii) reduce or ameliorate the physical, mental or developmental effects of an illness, condition, injury, disease or disability; or (iii) assist to achieve or maintain maximum functional activity in performing daily activities.

"Treatment for autism spectrum disorders" shall include the following care prescribed, provided, or ordered for an individual diagnosed with an autism spectrum disorder by (A) a physician licensed to practice medicine in all its branches or (B) a certified, registered, or licensed health care professional with expertise in treating effects of autism spectrum disorders when the care is determined to be medically necessary and ordered by a physician licensed to practice medicine in all its branches:

(1) Psychiatric care, including diagnostic services.

(2) Psychological assessments and treatments.

(3) Rehabilitative treatments.

(4) Therapeutic care, including behavioral speech, occupational, and physical therapies that provide treatment in the following areas: (i) self care and feeding, (ii) pragmatic, receptive, and expressive language, (iii) cognitive functioning, (iv) applied behavior analysis, intervention, and modification, (v) motor planning, and (vi) sensory processing.

Section 30. The Health Maintenance Organization Act is amended by changing Section 5-3 as follows:

(215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

Sec. 5-3. Insurance Code provisions.

(a) Health Maintenance Organizations shall be subject to the provisions of Sections 133, 134, 137,

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140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 355.2, 356m, 356v, 356w, 356x, 356y, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10, ~~356z.9~~, 356z.11, 364.01, 367.2, 367.2-5, 367i, 368a, 368b, 368c, 368d, 368e, 370c, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code.

(b) For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health Maintenance Organizations in the following categories are deemed to be "domestic companies":

(1) a corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act;

(2) a corporation organized under the laws of this State; or

(3) a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a "domestic company" under Article VIII 1/2 of the Illinois Insurance Code.

(c) In considering the merger, consolidation, or other acquisition of control of a Health Maintenance Organization pursuant to Article VIII 1/2 of the Illinois Insurance Code,

(1) the Director shall give primary consideration to the continuation of benefits to enrollees and the financial conditions of the acquired Health Maintenance Organization after the merger, consolidation, or other acquisition of control takes effect;

(2)(i) the criteria specified in subsection (1)(b) of Section 131.8 of the Illinois Insurance Code shall not apply and (ii) the Director, in making his determination with respect to the merger, consolidation, or other acquisition of control, need not take into account the effect on competition of the merger, consolidation, or other acquisition of control;

(3) the Director shall have the power to require the following information:

(A) certification by an independent actuary of the adequacy of the reserves of the Health Maintenance Organization sought to be acquired;

(B) pro forma financial statements reflecting the combined balance sheets of the acquiring company and the Health Maintenance Organization sought to be acquired as of the end of the preceding year and as of a date 90 days prior to the acquisition, as well as pro forma financial statements reflecting projected combined operation for a period of 2 years;

(C) a pro forma business plan detailing an acquiring party's plans with respect to the operation of the Health Maintenance Organization sought to be acquired for a period of not less than 3 years; and

(D) such other information as the Director shall require.

(d) The provisions of Article VIII 1/2 of the Illinois Insurance Code and this Section 5-3 shall apply to the sale by any health maintenance organization of greater than 10% of its enrollee population (including without limitation the health maintenance organization's right, title, and interest in and to its health care certificates).

(e) In considering any management contract or service agreement subject to Section 141.1 of the Illinois Insurance Code, the Director (i) shall, in addition to the criteria specified in Section 141.2 of the Illinois Insurance Code, take into account the effect of the management contract or service agreement on the continuation of benefits to enrollees and the financial condition of the health maintenance organization to be managed or serviced, and (ii) need not take into account the effect of the management contract or service agreement on competition.

(f) Except for small employer groups as defined in the Small Employer Rating, Renewability and Portability Health Insurance Act and except for medicare supplement policies as defined in Section 363 of the Illinois Insurance Code, a Health Maintenance Organization may by contract agree with a group or other enrollment unit to effect refunds or charge additional premiums under the following terms and conditions:

(i) the amount of, and other terms and conditions with respect to, the refund or additional premium are set forth in the group or enrollment unit contract agreed in advance of the period for which a refund is to be paid or additional premium is to be charged (which period shall not be less than one year); and

(ii) the amount of the refund or additional premium shall not exceed 20% of the Health Maintenance Organization's profitable or unprofitable experience with respect to the group or other enrollment unit for the period (and, for purposes of a refund or additional premium, the profitable or unprofitable experience shall be calculated taking into account a pro rata share of the Health Maintenance Organization's administrative and marketing expenses, but shall not include any refund

to be made or additional premium to be paid pursuant to this subsection (f). The Health Maintenance Organization and the group or enrollment unit may agree that the profitable or unprofitable experience may be calculated taking into account the refund period and the immediately preceding 2 plan years.

The Health Maintenance Organization shall include a statement in the evidence of coverage issued to each enrollee describing the possibility of a refund or additional premium, and upon request of any group or enrollment unit, provide to the group or enrollment unit a description of the method used to calculate (1) the Health Maintenance Organization's profitable experience with respect to the group or enrollment unit and the resulting refund to the group or enrollment unit or (2) the Health Maintenance Organization's unprofitable experience with respect to the group or enrollment unit and the resulting additional premium to be paid by the group or enrollment unit.

In no event shall the Illinois Health Maintenance Organization Guaranty Association be liable to pay any contractual obligation of an insolvent organization to pay any refund authorized under this Section.

(Source: P.A. 94-906, eff. 1-1-07; 94-1076, eff. 12-29-06; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; revised 12-4-07.)

Section 35. The Voluntary Health Services Plans Act is amended by changing Section 10 as follows:  
(215 ILCS 165/10) (from Ch. 32, par. 604)

Sec. 10. Application of Insurance Code provisions. Health services plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c, 149, 155.37, 354, 355.2, 356g.5, 356r, 356t, 356u, 356v, 356w, 356x, 356y, 356z.1, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10 ~~356z.9~~, 356z.11, 364.01, 367.2, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of Section 367 of the Illinois Insurance Code.

(Source: P.A. 94-1076, eff. 12-29-06; 95-189, eff. 8-16-07; 95-331, eff. 8-21-07; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; revised 12-5-07.)

Section 99. Effective date. This Act takes effect upon becoming law."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

### READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator DeLeo, **House Bill No. 415**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 36; Nays None; Present 4.

The following voted in the affirmative:

Althoff	Forby	Luechtefeld	Schoenberg
Bivins	Garrett	Maloney	Steans
Bomke	Harmon	Martinez	Sullivan
Clayborne	Holmes	Millner	Trotter
Cronin	Hultgren	Munoz	Wilhelmi
Crotty	Hunter	Pankau	Mr. President
DeLeo	Koehler	Radogno	
Delgado	Lauzen	Raoul	
Demuzio	Lightford	Risinger	
Dillard	Link	Rutherford	

The following voted present:

Burzynski                      Syverson

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Murphy

Watson

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

### HOUSE BILL RECALLED

On motion of Senator Clayborne, **House Bill No. 5585** was recalled from the order of third reading to the order of second reading.

Senate Floor Amendment No. 1 was held in the Committee on Rules.

Senator Clayborne offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2 TO HOUSE BILL 5585

AMENDMENT NO. 2. Amend House Bill 5585 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Horse Racing Act of 1975 is amended by adding Section 54.75 as follows:  
(230 ILCS 5/54.75 new)

Sec. 54.75. Horse Racing Equity Trust Fund.

(a) There is created a Fund to be known as the Horse Racing Equity Trust Fund, which is a non-appropriated trust fund held separate and apart from State moneys. The Fund shall consist of moneys paid into it by owners licensees under the Riverboat Gambling Act for the purposes described in this Section. The Fund shall be administered by the Board. Moneys in the Fund shall be distributed as directed and certified by the Board in accordance with the provisions of subsection (b).

(b) The moneys deposited into the Fund, plus any accrued interest on those moneys, shall be distributed within 10 days after those moneys are deposited into the Fund as follows:

(1) Sixty percent of all moneys distributed under this subsection shall be distributed to organization licensees to be distributed at their race meetings as purses. Fifty-seven percent of the amount distributed under this paragraph (1) shall be distributed for thoroughbred race meetings and 43% shall be distributed for standardbred race meetings. Within each breed, moneys shall be allocated to each organization licensee's purse fund in accordance with the ratio between the purses generated for that breed by that licensee during the prior calendar year and the total purses generated throughout the State for that breed during the prior calendar year by licensees in the current calendar year.

(2) The remaining 40% of the moneys distributed under this subsection (b) shall be distributed as follows:

(A) 11% shall be distributed to any person (or its successors or assigns) who had operating control of a racetrack that conducted live racing in 2002 at a racetrack in a county with at least 230,000 inhabitants that borders the Mississippi River and is a licensee in the current year; and

(B) the remaining 89% shall be distributed pro rata according to the aggregate proportion of total handle from wagering on live races conducted in Illinois (irrespective of where the wagers are placed) for calendar years 2004 and 2005 to any person (or its successors or assigns) who (i) had majority operating control of a racing facility at which live racing was conducted in calendar year 2002, (ii) is a licensee in the current year, and (iii) is not eligible to receive moneys under subparagraph (A) of this paragraph (2).

The moneys received by an organization licensee under this paragraph (2) shall be used by each organization licensee to improve, maintain, market, and otherwise operate its racing facilities to conduct live racing, which shall include backstretch services and capital improvements related to live racing and the backstretch. Any organization licensees sharing common ownership may pool the moneys received and spent at all racing facilities commonly owned in order to meet these requirements.

If any person identified in this paragraph (2) becomes ineligible to receive moneys from the Fund, such amount shall be redistributed among the remaining persons in proportion to their percentages otherwise calculated.

(c) The Board shall monitor organization licensees to ensure that moneys paid to organization licensees under this Section are distributed by the organization licensees as provided in subsection (b).

(d) This Section is repealed on July 1, 2011.

Section 10. The Riverboat Gambling Act is amended by changing Sections 7 and 13 as follows:

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(230 ILCS 10/7) (from Ch. 120, par. 2407)

Sec. 7. Owners Licenses.

(a) The Board shall issue owners licenses to persons, firms or corporations which apply for such licenses upon payment to the Board of the non-refundable license fee set by the Board, upon payment of a \$25,000 license fee for the first year of operation and a \$5,000 license fee for each succeeding year and upon a determination by the Board that the applicant is eligible for an owners license pursuant to this Act and the rules of the Board. From the effective date of this amendatory Act of the 95th General Assembly until (i) June 30, 2011, (ii) the date any organization licensee begins to operate a slot machine or video game of chance under the Illinois Horse Racing Act of 1975 or this Act, (iii) the date that payments begin under subsection (c-5) of Section 13 of the Act, or (iv) the wagering tax imposed under Section 13 of this Act is increased by law to reflect a tax rate that is at least as stringent or more stringent than the tax rate contained in subsection (a-3) of Section 13, whichever occurs first For a period of 2 years beginning on the effective date of this amendatory Act of the 94th General Assembly, as a condition of licensure and as an alternative source of payment for those funds payable under subsection (c-5) of Section 13 of the Riverboat Gambling Act, any owners licensee that holds or receives its owners license on or after the effective date of this amendatory Act of the 94th General Assembly, other than an owners licensee operating a riverboat with adjusted gross receipts in calendar year 2004 of less than \$200,000,000, must pay into the Horse Racing Equity Trust Fund, in addition to any other payments required under this Act, an amount equal to 3% of the adjusted gross receipts received by the owners licensee. The payments required under this Section shall be made by the owners licensee to the State Treasurer no later than 3:00 o'clock p.m. of the day after the day when the adjusted gross receipts were received by the owners licensee. A person, firm or corporation is ineligible to receive an owners license if:

- (1) the person has been convicted of a felony under the laws of this State, any other state, or the United States;
  - (2) the person has been convicted of any violation of Article 28 of the Criminal Code of 1961, or substantially similar laws of any other jurisdiction;
  - (3) the person has submitted an application for a license under this Act which contains false information;
  - (4) the person is a member of the Board;
  - (5) a person defined in (1), (2), (3) or (4) is an officer, director or managerial employee of the firm or corporation;
  - (6) the firm or corporation employs a person defined in (1), (2), (3) or (4) who participates in the management or operation of gambling operations authorized under this Act;
  - (7) (blank); or
  - (8) a license of the person, firm or corporation issued under this Act, or a license to own or operate gambling facilities in any other jurisdiction, has been revoked.
- (b) In determining whether to grant an owners license to an applicant, the Board shall consider:
- (1) the character, reputation, experience and financial integrity of the applicants and of any other or separate person that either:
    - (A) controls, directly or indirectly, such applicant, or
    - (B) is controlled, directly or indirectly, by such applicant or by a person which controls, directly or indirectly, such applicant;
  - (2) the facilities or proposed facilities for the conduct of riverboat gambling;
  - (3) the highest prospective total revenue to be derived by the State from the conduct of riverboat gambling;
  - (4) the extent to which the ownership of the applicant reflects the diversity of the State by including minority persons and females and the good faith affirmative action plan of each applicant to recruit, train and upgrade minority persons and females in all employment classifications;
  - (5) the financial ability of the applicant to purchase and maintain adequate liability and casualty insurance;
  - (6) whether the applicant has adequate capitalization to provide and maintain, for the duration of a license, a riverboat;
  - (7) the extent to which the applicant exceeds or meets other standards for the issuance of an owners license which the Board may adopt by rule; and
  - (8) The amount of the applicant's license bid.
- (c) Each owners license shall specify the place where riverboats shall operate and dock.
- (d) Each applicant shall submit with his application, on forms provided by the Board, 2 sets of his fingerprints.

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(e) The Board may issue up to 10 licenses authorizing the holders of such licenses to own riverboats. In the application for an owners license, the applicant shall state the dock at which the riverboat is based and the water on which the riverboat will be located. The Board shall issue 5 licenses to become effective not earlier than January 1, 1991. Three of such licenses shall authorize riverboat gambling on the Mississippi River, or, with approval by the municipality in which the riverboat was docked on August 7, 2003 and with Board approval, be authorized to relocate to a new location, in a municipality that (1) borders on the Mississippi River or is within 5 miles of the city limits of a municipality that borders on the Mississippi River and (2), on August 7, 2003, had a riverboat conducting riverboat gambling operations pursuant to a license issued under this Act; one of which shall authorize riverboat gambling from a home dock in the city of East St. Louis. One other license shall authorize riverboat gambling on the Illinois River south of Marshall County. The Board shall issue one additional license to become effective not earlier than March 1, 1992, which shall authorize riverboat gambling on the Des Plaines River in Will County. The Board may issue 4 additional licenses to become effective not earlier than March 1, 1992. In determining the water upon which riverboats will operate, the Board shall consider the economic benefit which riverboat gambling confers on the State, and shall seek to assure that all regions of the State share in the economic benefits of riverboat gambling.

In granting all licenses, the Board may give favorable consideration to economically depressed areas of the State, to applicants presenting plans which provide for significant economic development over a large geographic area, and to applicants who currently operate non-gambling riverboats in Illinois. The Board shall review all applications for owners licenses, and shall inform each applicant of the Board's decision. The Board may grant an owners license to an applicant that has not submitted the highest license bid, but if it does not select the highest bidder, the Board shall issue a written decision explaining why another applicant was selected and identifying the factors set forth in this Section that favored the winning bidder.

In addition to any other revocation powers granted to the Board under this Act, the Board may revoke the owners license of a licensee which fails to begin conducting gambling within 15 months of receipt of the Board's approval of the application if the Board determines that license revocation is in the best interests of the State.

(f) The first 10 owners licenses issued under this Act shall permit the holder to own up to 2 riverboats and equipment thereon for a period of 3 years after the effective date of the license. Holders of the first 10 owners licenses must pay the annual license fee for each of the 3 years during which they are authorized to own riverboats.

(g) Upon the termination, expiration, or revocation of each of the first 10 licenses, which shall be issued for a 3 year period, all licenses are renewable annually upon payment of the fee and a determination by the Board that the licensee continues to meet all of the requirements of this Act and the Board's rules. However, for licenses renewed on or after May 1, 1998, renewal shall be for a period of 4 years, unless the Board sets a shorter period.

(h) An owners license shall entitle the licensee to own up to 2 riverboats. A licensee shall limit the number of gambling participants to 1,200 for any such owners license. A licensee may operate both of its riverboats concurrently, provided that the total number of gambling participants on both riverboats does not exceed 1,200. Riverboats licensed to operate on the Mississippi River and the Illinois River south of Marshall County shall have an authorized capacity of at least 500 persons. Any other riverboat licensed under this Act shall have an authorized capacity of at least 400 persons.

(i) A licensed owner is authorized to apply to the Board for and, if approved therefor, to receive all licenses from the Board necessary for the operation of a riverboat, including a liquor license, a license to prepare and serve food for human consumption, and other necessary licenses. All use, occupation and excise taxes which apply to the sale of food and beverages in this State and all taxes imposed on the sale or use of tangible personal property apply to such sales aboard the riverboat.

(j) The Board may issue or re-issue a license authorizing a riverboat to dock in a municipality or approve a relocation under Section 11.2 only if, prior to the issuance or re-issuance of the license or approval, the governing body of the municipality in which the riverboat will dock has by a majority vote approved the docking of riverboats in the municipality. The Board may issue or re-issue a license authorizing a riverboat to dock in areas of a county outside any municipality or approve a relocation under Section 11.2 only if, prior to the issuance or re-issuance of the license or approval, the governing body of the county has by a majority vote approved of the docking of riverboats within such areas.

(Source: P.A. 93-28, eff. 6-20-03; 93-453, eff. 8-7-03; 94-667, eff. 8-23-05; 94-804, eff. 5-26-06.)

(230 ILCS 10/13) (from Ch. 120, par. 2413)

Sec. 13. Wagering tax; rate; distribution.

(a) Until January 1, 1998, a tax is imposed on the adjusted gross receipts received from gambling

games authorized under this Act at the rate of 20%.

(a-1) From January 1, 1998 until July 1, 2002, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

- 15% of annual adjusted gross receipts up to and including \$25,000,000;
- 20% of annual adjusted gross receipts in excess of \$25,000,000 but not exceeding \$50,000,000;
- 25% of annual adjusted gross receipts in excess of \$50,000,000 but not exceeding \$75,000,000;
- 30% of annual adjusted gross receipts in excess of \$75,000,000 but not exceeding \$100,000,000;
- 35% of annual adjusted gross receipts in excess of \$100,000,000.

(a-2) From July 1, 2002 until July 1, 2003, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, other than licensed managers conducting riverboat gambling operations on behalf of the State, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

- 15% of annual adjusted gross receipts up to and including \$25,000,000;
- 22.5% of annual adjusted gross receipts in excess of \$25,000,000 but not exceeding \$50,000,000;
- 27.5% of annual adjusted gross receipts in excess of \$50,000,000 but not exceeding \$75,000,000;
- 32.5% of annual adjusted gross receipts in excess of \$75,000,000 but not exceeding \$100,000,000;
- 37.5% of annual adjusted gross receipts in excess of \$100,000,000 but not exceeding \$150,000,000;
- 45% of annual adjusted gross receipts in excess of \$150,000,000 but not exceeding \$200,000,000;
- 50% of annual adjusted gross receipts in excess of \$200,000,000.

(a-3) Beginning July 1, 2003, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, other than licensed managers conducting riverboat gambling operations on behalf of the State, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

- 15% of annual adjusted gross receipts up to and including \$25,000,000;
- 27.5% of annual adjusted gross receipts in excess of \$25,000,000 but not exceeding \$37,500,000;
- 32.5% of annual adjusted gross receipts in excess of \$37,500,000 but not exceeding \$50,000,000;
- 37.5% of annual adjusted gross receipts in excess of \$50,000,000 but not exceeding \$75,000,000;
- 45% of annual adjusted gross receipts in excess of \$75,000,000 but not exceeding \$100,000,000;
- 50% of annual adjusted gross receipts in excess of \$100,000,000 but not exceeding \$250,000,000;
- 70% of annual adjusted gross receipts in excess of \$250,000,000.

An amount equal to the amount of wagering taxes collected under this subsection (a-3) that are in addition to the amount of wagering taxes that would have been collected if the wagering tax rates under subsection (a-2) were in effect shall be paid into the Common School Fund.

The privilege tax imposed under this subsection (a-3) shall no longer be imposed beginning on the earlier of (i) July 1, 2005; (ii) the first date after June 20, 2003 that riverboat gambling operations are conducted pursuant to a dormant license; or (iii) the first day that riverboat gambling operations are conducted under the authority of an owners license that is in addition to the 10 owners licenses initially authorized under this Act. For the purposes of this subsection (a-3), the term "dormant license" means an owners license that is authorized by this Act under which no riverboat gambling operations are being conducted on June 20, 2003.

(a-4) Beginning on the first day on which the tax imposed under subsection (a-3) is no longer imposed, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, other than licensed managers conducting riverboat gambling operations on behalf of the State, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

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- 15% of annual adjusted gross receipts up to and including \$25,000,000;
- 22.5% of annual adjusted gross receipts in excess of \$25,000,000 but not exceeding \$50,000,000;
- 27.5% of annual adjusted gross receipts in excess of \$50,000,000 but not exceeding \$75,000,000;
- 32.5% of annual adjusted gross receipts in excess of \$75,000,000 but not exceeding \$100,000,000;
- 37.5% of annual adjusted gross receipts in excess of \$100,000,000 but not exceeding \$150,000,000;
- 45% of annual adjusted gross receipts in excess of \$150,000,000 but not exceeding \$200,000,000;
- 50% of annual adjusted gross receipts in excess of \$200,000,000.

(a-8) Riverboat gambling operations conducted by a licensed manager on behalf of the State are not subject to the tax imposed under this Section.

(a-10) The taxes imposed by this Section shall be paid by the licensed owner to the Board not later than 3:00 o'clock p.m. of the day after the day when the wagers were made.

(a-15) If the privilege tax imposed under subsection (a-3) is no longer imposed pursuant to item (i) of the last paragraph of subsection (a-3), then by June 15 of each year, each owners licensee, other than an owners licensee that admitted 1,000,000 persons or fewer in calendar year 2004, must, in addition to the payment of all amounts otherwise due under this Section, pay to the Board a reconciliation payment in the amount, if any, by which the licensed owner's base amount exceeds the amount of net privilege tax paid by the licensed owner to the Board in the then current State fiscal year. A licensed owner's net privilege tax obligation due for the balance of the State fiscal year shall be reduced up to the total of the amount paid by the licensed owner in its June 15 reconciliation payment. The obligation imposed by this subsection (a-15) is binding on any person, firm, corporation, or other entity that acquires an ownership interest in any such owners license. The obligation imposed under this subsection (a-15) terminates on the earliest of: (i) July 1, 2007, (ii) the first day after the effective date of this amendatory Act of the 94th General Assembly that riverboat gambling operations are conducted pursuant to a dormant license, (iii) the first day that riverboat gambling operations are conducted under the authority of an owners license that is in addition to the 10 owners licenses initially authorized under this Act, or (iv) the first day that a licensee under the Illinois Horse Racing Act of 1975 conducts gaming operations with slot machines or other electronic gaming devices. The Board must reduce the obligation imposed under this subsection (a-15) by an amount the Board deems reasonable for any of the following reasons: (A) an act or acts of God, (B) an act of bioterrorism or terrorism or a bioterrorism or terrorism threat that was investigated by a law enforcement agency, or (C) a condition beyond the control of the owners licensee that does not result from any act or omission by the owners licensee or any of its agents and that poses a hazardous threat to the health and safety of patrons. If an owners licensee pays an amount in excess of its liability under this Section, the Board shall apply the overpayment to future payments required under this Section.

For purposes of this subsection (a-15):

"Act of God" means an incident caused by the operation of an extraordinary force that cannot be foreseen, that cannot be avoided by the exercise of due care, and for which no person can be held liable.

"Base amount" means the following:

- For a riverboat in Alton, \$31,000,000.
- For a riverboat in East Peoria, \$43,000,000.
- For the Empress riverboat in Joliet, \$86,000,000.
- For a riverboat in Metropolis, \$45,000,000.
- For the Harrah's riverboat in Joliet, \$114,000,000.
- For a riverboat in Aurora, \$86,000,000.
- For a riverboat in East St. Louis, \$48,500,000.
- For a riverboat in Elgin, \$198,000,000.

"Dormant license" has the meaning ascribed to it in subsection (a-3).

"Net privilege tax" means all privilege taxes paid by a licensed owner to the Board under this Section, less all payments made from the State Gaming Fund pursuant to subsection (b) of this Section.

The changes made to this subsection (a-15) by Public Act 94-839 are intended to restate and clarify the intent of Public Act 94-673 with respect to the amount of the payments required to be made under this subsection by an owners licensee to the Board.

(b) Until January 1, 1998, 25% of the tax revenue deposited in the State Gaming Fund under this Section shall be paid, subject to appropriation by the General Assembly, to the unit of local government

which is designated as the home dock of the riverboat. Beginning January 1, 1998, from the tax revenue deposited in the State Gaming Fund under this Section, an amount equal to 5% of adjusted gross receipts generated by a riverboat shall be paid monthly, subject to appropriation by the General Assembly, to the unit of local government that is designated as the home dock of the riverboat. From the tax revenue deposited in the State Gaming Fund pursuant to riverboat gambling operations conducted by a licensed manager on behalf of the State, an amount equal to 5% of adjusted gross receipts generated pursuant to those riverboat gambling operations shall be paid monthly, subject to appropriation by the General Assembly, to the unit of local government that is designated as the home dock of the riverboat upon which those riverboat gambling operations are conducted.

(c) Appropriations, as approved by the General Assembly, may be made from the State Gaming Fund to the Department of Revenue and the Department of State Police for the administration and enforcement of this Act, or to the Department of Human Services for the administration of programs to treat problem gambling.

(c-5) Before May 26, 2006 (the effective date of Public Act 94-804) and beginning on the effective date of this amendatory Act of the 95th General Assembly, unless any organization licensee under the Illinois Horse Racing Act of 1975 begins to operate a slot machine or video game of chance under the Illinois Horse Racing Act of 1975 or this Act 2 years after May 26, 2006 (the effective date of Public Act 94-804), after the payments required under subsections (b) and (c) have been made, an amount equal to 15% of the adjusted gross receipts of (1) an owners licensee that relocates pursuant to Section 11.2, (2) an owners licensee conducting riverboat gambling operations pursuant to an owners license that is initially issued after June 25, 1999, or (3) the first riverboat gambling operations conducted by a licensed manager on behalf of the State under Section 7.3, whichever comes first, shall be paid from the State Gaming Fund into the Horse Racing Equity Fund.

(c-10) Each year the General Assembly shall appropriate from the General Revenue Fund to the Education Assistance Fund an amount equal to the amount paid into the Horse Racing Equity Fund pursuant to subsection (c-5) in the prior calendar year.

(c-15) After the payments required under subsections (b), (c), and (c-5) have been made, an amount equal to 2% of the adjusted gross receipts of (1) an owners licensee that relocates pursuant to Section 11.2, (2) an owners licensee conducting riverboat gambling operations pursuant to an owners license that is initially issued after June 25, 1999, or (3) the first riverboat gambling operations conducted by a licensed manager on behalf of the State under Section 7.3, whichever comes first, shall be paid, subject to appropriation from the General Assembly, from the State Gaming Fund to each home rule county with a population of over 3,000,000 inhabitants for the purpose of enhancing the county's criminal justice system.

(c-20) Each year the General Assembly shall appropriate from the General Revenue Fund to the Education Assistance Fund an amount equal to the amount paid to each home rule county with a population of over 3,000,000 inhabitants pursuant to subsection (c-15) in the prior calendar year.

(c-25) After the payments required under subsections (b), (c), (c-5) and (c-15) have been made, an amount equal to 2% of the adjusted gross receipts of (1) an owners licensee that relocates pursuant to Section 11.2, (2) an owners licensee conducting riverboat gambling operations pursuant to an owners license that is initially issued after June 25, 1999, or (3) the first riverboat gambling operations conducted by a licensed manager on behalf of the State under Section 7.3, whichever comes first, shall be paid from the State Gaming Fund to Chicago State University.

(d) From time to time, the Board shall transfer the remainder of the funds generated by this Act into the Education Assistance Fund, created by Public Act 86-0018, of the State of Illinois.

(e) Nothing in this Act shall prohibit the unit of local government designated as the home dock of the riverboat from entering into agreements with other units of local government in this State or in other states to share its portion of the tax revenue.

(f) To the extent practicable, the Board shall administer and collect the wagering taxes imposed by this Section in a manner consistent with the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act.

(Source: P.A. 94-673, eff. 8-23-05; 94-804, eff. 5-26-06; 94-839, eff. 6-6-06; 95-331, eff. 8-21-07.)

Section 99. Effective date. This Act takes effect upon becoming law."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

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**READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME**

On motion of Senator Clayborne, **House Bill No. 5585**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 37; Nays 5.

The following voted in the affirmative:

Althoff	Demuzio	Luechtefeld	Schoenberg
Bivins	Dillard	Maloney	Steans
Bomke	Forby	Martinez	Sullivan
Brady	Garrett	Murphy	Syverson
Burzynski	Harmon	Pankau	Trotter
Clayborne	Hultgren	Radogno	Watson
Cronin	Hunter	Raoul	Mr. President
Crotty	Jones, J.	Righter	
DeLeo	Koehler	Risinger	
Delgado	Lightford	Rutherford	

The following voted in the negative:

Holmes	Link	Wilhelmi
Laufen	Millner	

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

Senator Delgado asked and obtained unanimous consent for the Journal to reflect his present vote on **House Bill No. 5585**.

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON  
SECRETARY'S DESK**

On motion of Senator Delgado, **Senate Bill No. 2198**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Delgado moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 42; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Link	Rutherford
Bivins	Forby	Luechtefeld	Schoenberg
Bomke	Garrett	Maloney	Steans
Brady	Harmon	Martinez	Sullivan
Burzynski	Holmes	Millner	Syverson
Clayborne	Hultgren	Murphy	Trotter
Cronin	Hunter	Pankau	Watson
Crotty	Jones, J.	Radogno	Wilhelmi
DeLeo	Koehler	Raoul	Mr. President

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Delgado	Lauzen	Righter
Demuzio	Lightford	Risinger

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2198**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Raoul, **Senate Bill No. 2287**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Raoul moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 41; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Link	Schoenberg
Bivins	Forby	Luechtefeld	Stears
Bomke	Garrett	Maloney	Sullivan
Brady	Harmon	Martinez	Syverson
Burzynski	Holmes	Millner	Trotter
Clayborne	Hultgren	Murphy	Watson
Cronin	Hunter	Pankau	Wilhelmi
Crotty	Jones, J.	Radogno	Mr. President
DeLeo	Koehler	Raoul	
Delgado	Lauzen	Righter	
Demuzio	Lightford	Risinger	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2287**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Maloney, **Senate Bill No. 2293**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Maloney moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 41; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Link	Schoenberg
Bivins	Forby	Luechtefeld	Stears
Bomke	Garrett	Martinez	Sullivan
Brady	Harmon	Millner	Syverson
Burzynski	Holmes	Murphy	Trotter
Clayborne	Hultgren	Pankau	Watson
Cronin	Hunter	Radogno	Wilhelmi
Crotty	Jones, J.	Raoul	Mr. President
DeLeo	Koehler	Righter	
Delgado	Lauzen	Risinger	
Demuzio	Lightford	Rutherford	



The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2293**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Maloney asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **Senate Bill No. 2293**.

On motion of Senator Wilhelmi, **Senate Bill No. 2294**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Wilhelmi moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 42; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Link	Rutherford
Bivins	Forby	Luechtefeld	Schoenberg
Bomke	Garrett	Martinez	Stears
Brady	Harmon	Millner	Sullivan
Burzynski	Holmes	Munoz	Syerson
Clayborne	Hultgren	Murphy	Trotter
Cronin	Hunter	Pankau	Watson
Crotty	Jones, J.	Radogno	Wilhelmi
DeLeo	Koehler	Raoul	Mr. President
Delgado	Lauzen	Righter	
Demuzio	Lightford	Risinger	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2294**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Maloney asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **Senate Bill No. 2294**.

On motion of Senator Garrett, **Senate Bill No. 2313**, with House Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Garrett moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 43; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Link	Risinger
Bivins	Forby	Luechtefeld	Rutherford
Bomke	Garrett	Maloney	Schoenberg
Brady	Harmon	Martinez	Stears
Burzynski	Holmes	Millner	Sullivan
Clayborne	Hultgren	Munoz	Syerson
Cronin	Hunter	Murphy	Trotter
Crotty	Jones, J.	Pankau	Watson
DeLeo	Koehler	Radogno	Wilhelmi
Delgado	Lauzen	Raoul	Mr. President
Demuzio	Lightford	Righter	

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The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 2 to **Senate Bill No. 2313**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Wilhelmi, **Senate Bill No. 2349**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Wilhelmi moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 43; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Link	Risinger
Bivins	Forby	Luechtefeld	Rutherford
Bomke	Garrett	Maloney	Schoenberg
Brady	Harmon	Martinez	Steans
Burzynski	Holmes	Millner	Sullivan
Clayborne	Hultgren	Munoz	Syverson
Cronin	Hunter	Murphy	Trotter
Crotty	Jones, J.	Pankau	Watson
DeLeo	Koehler	Radogno	Wilhelmi
Delgado	Lauzen	Raoul	Mr. President
Demuzio	Lightford	Righter	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2349**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Hunter, **Senate Bill No. 2476**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Hunter moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 43; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Link	Risinger
Bivins	Forby	Luechtefeld	Rutherford
Bomke	Garrett	Maloney	Schoenberg
Brady	Harmon	Martinez	Steans
Burzynski	Holmes	Millner	Sullivan
Clayborne	Hultgren	Munoz	Syverson
Cronin	Hunter	Murphy	Trotter
Crotty	Jones, J.	Pankau	Watson
DeLeo	Koehler	Radogno	Wilhelmi
Delgado	Lauzen	Raoul	Mr. President
Demuzio	Lightford	Righter	

The motion prevailed.

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And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2476**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sullivan, **Senate Bill No. 2558**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Sullivan moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 34; Nays 4; Present 3.

The following voted in the affirmative:

Althoff	Dillard	Lightford	Rutherford
Bomke	Forby	Link	Schoenberg
Brady	Garrett	Maloney	Steans
Clayborne	Harmon	Martinez	Sullivan
Cronin	Holmes	Millner	Trotter
Crotty	Hultgren	Munoz	Wilhelmi
DeLeo	Hunter	Murphy	Mr. President
Delgado	Jones, J.	Raoul	
Demuzio	Koehler	Risinger	

The following voted in the negative:

Bivins	Righter
Lauzen	Syverson

The following voted present:

Burzynski  
Pankau  
Watson

The motion lost.

And the Senate nonconcurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 2558**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Harmon, **Senate Bill No. 2636**, with House Amendment No. 3 on the Secretary's Desk, was taken up for immediate consideration.

Senator Harmon moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 43; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Link	Risinger
Bivins	Forby	Luechtefeld	Rutherford
Bomke	Garrett	Maloney	Schoenberg
Brady	Harmon	Martinez	Steans
Burzynski	Holmes	Millner	Sullivan
Clayborne	Hultgren	Munoz	Syverson
Cronin	Hunter	Murphy	Trotter

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Crotty	Jones, J.	Pankau	Watson
DeLeo	Koehler	Radogno	Wilhelmi
Delgado	Lauzen	Raoul	Mr. President
Demuzio	Lightford	Righter	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 3 to **Senate Bill No. 2636**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Demuzio, **Senate Bill No. 2687**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Demuzio moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 42; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Link	Rutherford
Bivins	Forby	Luechtefeld	Schoenberg
Bomke	Garrett	Maloney	Steans
Brady	Harmon	Millner	Sullivan
Burzynski	Holmes	Munoz	Syverson
Clayborne	Hultgren	Murphy	Trotter
Cronin	Hunter	Pankau	Watson
Crotty	Jones, J.	Radogno	Wilhelmi
DeLeo	Koehler	Raoul	Mr. President
Delgado	Lauzen	Righter	
Demuzio	Lightford	Risinger	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2687**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Maloney, **Senate Bill No. 2690**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Maloney moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 43; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Link	Risinger
Bivins	Forby	Luechtefeld	Rutherford
Bomke	Garrett	Maloney	Schoenberg
Brady	Harmon	Martinez	Steans
Burzynski	Holmes	Millner	Sullivan
Clayborne	Hultgren	Munoz	Syverson
Cronin	Hunter	Murphy	Trotter
Crotty	Jones, J.	Pankau	Watson
DeLeo	Koehler	Radogno	Wilhelmi
Delgado	Lauzen	Raoul	Mr. President

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Demuzio

Lightford

Righter

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2690**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Wilhelm, **Senate Bill No. 2718**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Wilhelm moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 43; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Link	Risinger
Bivins	Forby	Luechtefeld	Rutherford
Bomke	Garrett	Maloney	Schoenberg
Brady	Harmon	Martinez	Steans
Burzynski	Holmes	Millner	Sullivan
Clayborne	Hultgren	Munoz	Syverson
Cronin	Hunter	Murphy	Trotter
Crotty	Jones, J.	Pankau	Watson
DeLeo	Koehler	Radogno	Wilhelmi
Delgado	Lauzen	Raoul	Mr. President
Demuzio	Lightford	Righter	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2718**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Holmes, **Senate Bill No. 2855**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Holmes moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 42; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Link	Rutherford
Bivins	Forby	Luechtefeld	Schoenberg
Bomke	Garrett	Maloney	Steans
Brady	Harmon	Martinez	Sullivan
Burzynski	Holmes	Millner	Syverson
Clayborne	Hultgren	Munoz	Trotter
Cronin	Hunter	Murphy	Watson
Crotty	Jones, J.	Pankau	Wilhelmi
DeLeo	Koehler	Radogno	Mr. President
Delgado	Lauzen	Raoul	
Demuzio	Lightford	Righter	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2855**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Hunter, **Senate Bill No. 2877**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Hunter moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 43; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Link	Risinger
Bivins	Forby	Luechtefeld	Rutherford
Bomke	Garrett	Maloney	Schoenberg
Brady	Harmon	Martinez	Steans
Burzynski	Holmes	Millner	Sullivan
Clayborne	Hultgren	Munoz	Syverson
Cronin	Hunter	Murphy	Trotter
Crotty	Jones, J.	Pankau	Watson
DeLeo	Koehler	Radogno	Wilhelmi
Delgado	Lauzen	Raoul	Mr. President
Demuzio	Lightford	Righter	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2877**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 4:30 o'clock p.m., Senator Martinez, presiding.

On motion of Senator Link, **Senate Bill No. 2400**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Link moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 42; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Link	Rutherford
Bivins	Forby	Luechtefeld	Schoenberg
Bomke	Garrett	Maloney	Steans
Brady	Harmon	Martinez	Sullivan
Burzynski	Holmes	Millner	Syverson
Clayborne	Hultgren	Munoz	Trotter
Cronin	Hunter	Murphy	Watson
Crotty	Jones, J.	Pankau	Wilhelmi
DeLeo	Koehler	Radogno	Mr. President
Delgado	Lauzen	Raoul	
Demuzio	Lightford	Righter	

The motion prevailed.

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And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 2400**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 4:34 o'clock p.m., Senator Link, presiding.

On motion of Senator Trotter, **Senate Bill No. 1130**, with House Amendments numbered 1, 2 and 4 on the Secretary's Desk, was taken up for immediate consideration.

Senator Trotter moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 42; Nays None.

The following voted in the affirmative:

Althoff	Forby	Luechtefeld	Rutherford
Bivins	Garrett	Maloney	Schoenberg
Bomke	Harmon	Martinez	Steans
Brady	Holmes	Millner	Sullivan
Burzynski	Hultgren	Munoz	Syverson
Clayborne	Hunter	Murphy	Trotter
Crotty	Jones, J.	Pankau	Watson
DeLeo	Koehler	Radogno	Wilhelmi
Delgado	Lauzen	Raoul	Mr. President
Demuzio	Lightford	Righter	
Dillard	Link	Risinger	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1, 2 and 4 to **Senate Bill No. 1130**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

### INTRODUCTION OF BILLS

**SENATE BILL NO. 3048.** Introduced by Senator Murphy, a bill for AN ACT concerning transportation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

**SENATE BILL NO. 3049.** Introduced by Senator Crotty, a bill for AN ACT concerning civil law.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

**SENATE BILL NO. 3050.** Introduced by Senator Trotter, a bill for AN ACT concerning appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

### PRESENTATION OF RESOLUTIONS

#### SENATE RESOLUTION NO. 792

Offered by Senator Demuzio and all Senators:

Mourns the death of Garnet Marie Calcari of Benld.

[July 10, 2008]

**SENATE RESOLUTION NO. 793**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Joseph Dunn of Chatham.

**SENATE RESOLUTION NO. 794**

Offered by Senator Viverito and all Senators:  
Mourns the death of Neda Roscich (nee Pivac) of Burbank.

**SENATE RESOLUTION NO. 795**

Offered by Senator Viverito and all Senators:  
Mourns the death of Emma D. Kulovitz.

**SENATE RESOLUTION NO. 796**

Offered by Senator Hunter and all Senators:  
Mourns the death of Calvin Ashford, Jr., of Chicago.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

**RESOLUTIONS CONSENT CALENDAR**

**SENATE RESOLUTION NO. 744**

Offered by Senator Forby and all Senators:  
Mourns the death of Randy Whittington of Sesser.

**SENATE RESOLUTION NO. 745**

Offered by Senator Haine and all Senators:  
Mourns the death of Charles Raich, Jr., of Roxana.

**SENATE RESOLUTION NO. 746**

Offered by Senator Haine and all Senators:  
Mourns the death of Harry J. Orrill of Godfrey.

**SENATE RESOLUTION NO. 747**

Offered by Senator Meeks and all Senators:  
Mourns the death of Erika Prince of Chicago.

**SENATE RESOLUTION NO. 748**

Offered by Senator Dillard and all Senators:  
Mourns the death of Roger Place of Woodridge.

**SENATE RESOLUTION NO. 749**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Edward John Kane III.

**SENATE RESOLUTION NO. 750**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Robert E. Lee of Batavia.

**SENATE RESOLUTION NO. 751**

Offered by Senator Haine and all Senators:  
Mourns the death of Mary K McClockey of Alton.

**SENATE RESOLUTION NO. 752**

Offered by Senator Haine and all Senators:  
Mourns the death of Hugh O. Worthen of Alton.



**SENATE RESOLUTION NO. 753**

Offered by Senator Hultgren and all Senators:  
Mourns the death of John R. Murr of Naperville.

**SENATE RESOLUTION NO. 754**

Offered by Senator Watson and all Senators:  
Mourns the death of William Thomas Eichenauer of Decatur.

**SENATE RESOLUTION NO. 755**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Kevin John Bryant.

**SENATE RESOLUTION NO. 756**

Offered by Senator Watson and all Senators:  
Mourns the death of Dr. William Henry Requarth of Decatur.

**SENATE RESOLUTION NO. 757**

Offered by Senator Link and all Senators:  
Mourns the death of Helen C. Zdanowicz (nee Wasniewski) of Brandon, Florida, formerly of North Chicago.

**SENATE RESOLUTION NO. 758**

Offered by Senator Koehler and all Senators:  
Mourns the death of Roy Modglin, Jr., of Mapleton, formerly of Peoria.

**SENATE RESOLUTION NO. 759**

Offered by Senator Hunter and all Senators:  
Mourns the death of Mercedes Laing.

**SENATE RESOLUTION NO. 760**

Offered by Senator Haine and all Senators:  
Mourns the death of Josephine Meisenheimer of Bethalto.

**SENATE RESOLUTION NO. 761**

Offered by Senator E. Jones and all Senators:  
Mourns the death of Walter A. Netsch, Jr., of Chicago.

**SENATE RESOLUTION NO. 762**

Offered by Senator Koehler and all Senators:  
Mourns the death of George W. Lacey, Sr., of Peoria.

**SENATE RESOLUTION NO. 763**

Offered by Senator Murphy and all Senators:  
Mourns the death of Edwina Froehlich of Inverness.

**SENATE RESOLUTION NO. 764**

Offered by Senator Hultgren and all Senators:  
Mourns the death of Raymond C. Whitlock III, of Wheaton.

**SENATE RESOLUTION NO. 765**

Offered by Senator Hultgren and all Senators:  
Mourns the death of James Johannville of Naperville.

**SENATE RESOLUTION NO. 766**

Offered by Senator Noland and all Senators:  
Mourns the death of Doris Judith Steffen.

**SENATE RESOLUTION NO. 767**

Offered by Senator Hunter and all Senators:

Mourns the death of Sandra Blount.

**SENATE RESOLUTION NO. 768**

Offered by Senator E. Jones and all Senators:  
Mourns the death of Ruth Paink.

**SENATE RESOLUTION NO. 769**

Offered by Senator Haine and all Senators:  
Mourns the death of Albert Woods of Alton.

**SENATE RESOLUTION NO. 770**

Offered by Senator Haine and all Senators:  
Mourns the death of Lewis G. "Louie" Badalamenti of Edwardsville.

**SENATE RESOLUTION NO. 771**

Offered by Senator Dillard and all Senators:  
Mourns the death of Dr. Vladimir J. "Wally" Suchy of Hinsdale.

**SENATE RESOLUTION NO. 772**

Offered by Senator Peterson and all Senators:  
Mourns the death of Harold J. Carlson.

**SENATE RESOLUTION NO. 773**

Offered by Senator Peterson and all Senators:  
Mourns the death of Robert "Allen" Meyer of Buffalo Grove.

**SENATE RESOLUTION NO. 774**

Offered by Senator Cullerton and all Senators:  
Mourns the death of Budd Birbaum of Wilmette.

**SENATE RESOLUTION NO. 775**

Offered by Senators E. Jones – Collins and all Senators:  
Mourns the death of Louis J. Pfleger of Chicago.

**SENATE RESOLUTION NO. 776**

Offered by Senator Radogno and all Senators:  
Mourns the death of Michael R. Springer of Lisle.

**SENATE RESOLUTION NO. 777**

Offered by Senator Althoff and all Senators:  
Mourns the death of Edward Alexander Todd of McHenry.

**SENATE RESOLUTION NO. 778**

Offered by Senator Althoff and all Senators:  
Mourns the death of Carl J. Tomaso of Woodstock.

**SENATE RESOLUTION NO. 779**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Dr. Robert Wouters Leyen of Gig Harbor, Washington.

**SENATE RESOLUTION NO. 780**

Offered by Senator Watson and all Senators:  
Mourns the death of Thomas B. Brinkoetter of Decatur.

**SENATE RESOLUTION NO. 781**

Offered by Senator Dillard and all Senators:  
Mourns the death of Timothy Joseph Wehrl of Naperville.

**SENATE RESOLUTION NO. 782**

Offered by Senator Koehler and all Senators:  
Mourns the death of Nathaniel Cover, Sr., of Peoria.

**SENATE RESOLUTION NO. 783**

Offered by Senator Koehler and all Senators:  
Mourns the death of Virginia May Gambill of Peoria.

**SENATE RESOLUTION NO. 784**

Offered by Senator Hultgren and all Senators:  
Mourns the death of James C. "Jim" Lukacek of Naperville.

**SENATE RESOLUTION NO. 785**

Offered by Senator E. Jones and all Senators:  
Mourns the death of Roy Osbourne Carroll, Jr., of Morgan Park.

**SENATE RESOLUTION NO. 786**

Offered by Senator Harmon and all Senators:  
Mourns the death of Charles M. Kielma, Jr., of Lockport, formerly of Cicero and Berwyn.

**SENATE RESOLUTION NO. 787**

Offered by Senator Wilhelmi and all Senators:  
Mourns the death of Owen Robert "Big O" "Owie" Bleuer.

**SENATE RESOLUTION NO. 788**

Offered by Senator Wilhelmi and all Senators:  
Mourns the death of Georgiann Goodson.

**SENATE RESOLUTION NO. 789**

Offered by Senator Wilhelmi and all Senators:  
Mourns the death of Delia "Dede" Neal (nee Cacia) of Morris.

**SENATE RESOLUTION NO. 790**

Offered by Senator Wilhelmi and all Senators:  
Mourns the death of Evelyn Roberts of Joliet.

**SENATE RESOLUTION NO. 791**

Offered by Senator Wilhelmi and all Senators:  
Mourns the death of JoAnn F. Soave of Crest Hill.

**SENATE RESOLUTION NO. 792**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Garnet Marie Calcari of Benld.

**SENATE RESOLUTION NO. 793**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Joseph Dunn of Chatham.

**SENATE RESOLUTION NO. 794**

Offered by Senator Viverito and all Senators:  
Mourns the death of Neda Roscich (nee Pivac) of Burbank.

**SENATE RESOLUTION NO. 795**

Offered by Senator Viverito and all Senators:  
Mourns the death of Emma D. Kulovitz.

**SENATE RESOLUTION NO. 796**

Offered by Senator Hunter and all Senators:  
Mourns the death of Calvin Ashford, Jr., of Chicago.

The Chair moved the adoption of the Resolutions Consent Calendar. The motion prevailed, and the resolutions were adopted.

At the hour of 4:44 o'clock p.m., the Chair announced the Senate stand adjourned until such time as the Senate assembles in regular, veto or other session pursuant to the schedule established and published by the Senate President and in accordance with **Senate Joint Resolution No. 105**, as adopted on May 31, 2008.